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<p>1 1</p> <p>2 UNITED STATES DISTRICT COURT</p> <p>3 SOUTHERN DISTRICT OF NEW YORK</p> <p>4 ----- x</p> <p>5 ROLANDE CUTNER,</p> <p>6 Plaintiff,</p> <p>7 -against-</p> <p>8 THE LANTERN GROUP, ST. LOUIS HALL, L.P.,</p> <p>9 SRO HOTEL THE ST. LOUIS a/k/a</p> <p>10 THE ST. LOUIS HALL, 319 REALTY SERVICES, LLP</p> <p>11 and 319 WEST LLC, and XYZ CORPORATION,</p> <p>12 (Said name being fictitious; it being the</p> <p>13 intention of CUTNER to designate any</p> <p>14 corporation having a legal interest in the</p> <p>15 SRO HOTEL THE ST. LOUIS,</p> <p>16 Defendants.</p> <p>17 ----- x</p> <p>18 450 Seventh Avenue</p> <p>19 New York, New York</p> <p>20 July 10, 2008</p> <p>21 10:06 a.m.</p> <p>22 EXAMINATION BEFORE TRIAL of ROLANDE</p> <p>23 CUTNER, the Plaintiff in the above-entitled</p> <p>24 action, held at the above date, time and</p> <p>25 place, pursuant to Order, taken before</p> <p>Mary E. Santiago, a shorthand reporter and</p> <p>Notary Public of the State of New York.</p>	<p>1 2</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 ROLANDE CUTNER, ESQ.</p> <p>5 Pro Se</p> <p>6 60 Broad Street</p> <p>7 Suite 3502</p> <p>8 New York, New York 10004</p> <p>9 MIRANDA SOKOLOFF SAMBURSKY SLONE</p> <p>10 VERNIOTIS, LLP.</p> <p>11 Attorneys for Defendants</p> <p>12 The Esposito Building</p> <p>13 240 Mineola Boulevard</p> <p>14 Mineola, New York 11501</p> <p>15 BY: MELISSA HOLTZER, ESQ.</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 David A. Cutner, Esq.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 4
<p>1 3</p> <p>2</p> <p>3 STIPULATIONS</p> <p>4</p> <p>5 IT IS HEREBY STIPULATED AND AGREED</p> <p>6 by and between the attorneys for the</p> <p>7 respective parties herein, that filing,</p> <p>8 sealing and certification be and the</p> <p>9 same are hereby waived.</p> <p>10</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that all objections, except as to the</p> <p>13 form of the question shall be reserved</p> <p>14 to the time of the trial.</p> <p>15</p> <p>16 IT IS FURTHER STIPULATED AND AGREED</p> <p>17 that the within deposition may be signed</p> <p>18 and sworn to before any officer authorized</p> <p>19 to administer an oath, with the same force</p> <p>20 and effect as if signed and sworn to before</p> <p>21 the Court.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 4</p> <p>2 ROLANDE CUTNER,</p> <p>3 the witness herein, having first</p> <p>4 been duly sworn by a Notary Public</p> <p>5 of the State of New York, was</p> <p>6 examined and testified as follows:</p> <p>7 EXAMINATION BY</p> <p>8 MS. HOLTZER:</p> <p>9 Q. State your name for the record,</p> <p>10 please.</p> <p>11 A. Rolande Cutner.</p> <p>12 Q. State your address for the record,</p> <p>13 please.</p> <p>14 A. 60 Broad Street, 35th floor,</p> <p>15 Number 3502, New York, New York 10004.</p> <p>16 MR. CUTNER: May I make a</p> <p>17 brief statement. I'm David Cutner.</p> <p>18 I'm appearing here not as counsel</p> <p>19 for the witness, Rolande Cutner.</p> <p>20 She filed this action pro se. She</p> <p>21 is a plaintiff pro se.</p> <p>22 I have not been involved in</p> <p>23 this case prior to the deposition</p> <p>24 and I have no intention to be</p> <p>25 involved in the case after the</p>

<p style="text-align: right;">Page 5</p> <p>1 Rolande Cutner 5</p> <p>2 deposition.</p> <p>3 I'm only here today pursuant</p> <p>4 to a court order that permitted the</p> <p>5 witness to have a representation</p> <p>6 for the deposition. I'm not filing</p> <p>7 an appearance in the case and I'm</p> <p>8 not appearing in the case.</p> <p>9 Q. Ms. Cutner, my name is Melissa</p> <p>10 Holtzer. I'm an attorney with the law firm</p> <p>11 Miranda, Sokoloff, Sambursky, Sione and</p> <p>12 Verveniotis and we represent the Lantern</p> <p>13 Group, The St. Louis Hall, in the case that</p> <p>14 you have brought against them.</p> <p>15 Have you ever had your deposition</p> <p>16 taken before?</p> <p>17 A. No, this is the first time.</p> <p>18 Q. I'm just going to go through a few</p> <p>19 ground rules with you. First of all, as you</p> <p>20 can see, the court reporter is taking down</p> <p>21 everything that you say so I just ask that</p> <p>22 any response that you give to my questions be</p> <p>23 a verbal response because the court reporter</p> <p>24 can't take down nods of the head, or uh-huh</p> <p>25 or anything like that.</p>	<p style="text-align: right;">Page 6</p> <p>1 Rolande Cutner 6</p> <p>2 A. I understand.</p> <p>3 Q. If you want to take a break at</p> <p>4 any time, that's fine, just let me know. And</p> <p>5 all I ask is that if there's a question</p> <p>6 pending, is that you answer the question</p> <p>7 before we break.</p> <p>8 A. I understand.</p> <p>9 Q. If you need clarification, if you</p> <p>10 don't understand one of my questions, just</p> <p>11 let me know and I'll rephrase. Otherwise, if</p> <p>12 you answer one of my questions, I'm going to</p> <p>13 assume that you understood it.</p> <p>14 A. I understand.</p> <p>15 Q. Have you ever filed a lawsuit</p> <p>16 before?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a defendant in a</p> <p>19 lawsuit before?</p> <p>20 A. Let me rectify because in November</p> <p>21 I was approached by the neighbor of this</p> <p>22 building and they were fighting a lawsuit</p> <p>23 against the Lantern Group and because I live</p> <p>24 in the building, they approached me and they</p> <p>25 say, "Would you agree to be a plaintiff in</p>
<p style="text-align: right;">Page 7</p> <p>1 Rolande Cutner 7</p> <p>2 our action," so I should say yes. I am</p> <p>3 involved in this particular action being a</p> <p>4 plaintiff as a permanent resident in this</p> <p>5 building so yes, I participate in this</p> <p>6 lawsuit which is now pending and continuing,</p> <p>7 yes.</p> <p>8 Q. Who are the other plaintiffs in</p> <p>9 this lawsuit?</p> <p>10 A. The neighbor, about 25 neighbors so</p> <p>11 I don't know the names but they all live in</p> <p>12 the adjacent building. Let me show it to</p> <p>13 you:</p> <p>14 You have the building, 319 West</p> <p>15 94th Street, you have one building on the</p> <p>16 left and one building on the right. Those</p> <p>17 people are owner of the apartments, it's</p> <p>18 co-op or condominium. They are very much</p> <p>19 concerned about the fact that the Lantern</p> <p>20 Group is going to demolish 80 percent of the</p> <p>21 building so based on that concern, this</p> <p>22 started the lawsuit and they ask me, because</p> <p>23 I am living in the building, to be a</p> <p>24 plaintiff with them. So there are maybe 45</p> <p>25 people all total.</p>	<p style="text-align: right;">Page 8</p> <p>1 Rolande Cutner 8</p> <p>2 Q. Is the purpose of that lawsuit to</p> <p>3 try and stop the Lantern Group from</p> <p>4 renovating the building?</p> <p>5 A. Yes.</p> <p>6 Q. Is there anything else that the</p> <p>7 plaintiffs are seeking from that lawsuit?</p> <p>8 A. Stop the Lantern Group from</p> <p>9 renovating the building, that I know. They</p> <p>10 attack not only the Lantern Group but the</p> <p>11 New York City Department, home department, I</p> <p>12 think HPD. They tax them probably for fraud</p> <p>13 and misrepresentation but I am not sure but I</p> <p>14 don't have the complaint in front of my eyes</p> <p>15 but they go into the details.</p> <p>16 Q. Other than the Lantern Group and</p> <p>17 HPD, do you know of any other defendants in</p> <p>18 this lawsuit?</p> <p>19 A. When I say quote/unquote, "The</p> <p>20 Lantern Group," there is an LLP, there is a</p> <p>21 real estate, 319 Realty Services. You are</p> <p>22 aware that Lantern Group, that is inside a</p> <p>23 lot of corporations and LLC so all those</p> <p>24 corporations and LLCs are defendants in this</p> <p>25 lawsuit.</p>

<p style="text-align: right;">Page 9</p> <p>1 Rolande Cutner 9</p> <p>2 Q. Where is this lawsuit pending?</p> <p>3 A. It's in Civil Court and in 111</p> <p>4 Centre Street. The judge, I'm not sure of</p> <p>5 the name of the judge but not an Article 78</p> <p>6 proceeding, and then there are the lawsuits</p> <p>7 of the Board of Estimate, which is located at</p> <p>8 40 Rector Street on that Board of Estimate</p> <p>9 which act, you know, badly, and they attack</p> <p>10 the Board of Estimate, New York City. The</p> <p>11 Board of Estimate, Lantern Group is also a</p> <p>12 corporation inside of that. That's what I</p> <p>13 understood.</p> <p>14 Q. Is it correct this action is still</p> <p>15 pending?</p> <p>16 A. Yes. I understand that they have</p> <p>17 to go back to court by the end of July. I</p> <p>18 understand they are going to be a proceeding</p> <p>19 in front of the Board of Estimate at</p> <p>20 40 Rector Street by the end of July, yes.</p> <p>21 Q. Other than this other action</p> <p>22 against the Lantern Group, have you ever been</p> <p>23 a party in any other litigation?</p> <p>24 A. No, but I have been a witness.</p> <p>25 Q. Under what circumstances were you a</p>	<p style="text-align: right;">Page 10</p> <p>1 Rolande Cutner 10</p> <p>2 witness?</p> <p>3 A. Two tenants in my building,</p> <p>4 permanent tenants like me. I am -- it's very</p> <p>5 important, permanent tenant. It's a very</p> <p>6 legal term, important, so two tenants,</p> <p>7 permanent tenants as myself had litigation</p> <p>8 with another group, Lantern Group and they</p> <p>9 asked me to be witness in those two</p> <p>10 proceedings, which I did.</p> <p>11 I went on to civil court,</p> <p>12 landlord/tenant court at 141 Livingston</p> <p>13 Street and I was witness in those two</p> <p>14 different lawsuits, yes.</p> <p>15 Q. Did the two tenants have a suit,</p> <p>16 were they plaintiffs or defendants?</p> <p>17 A. Defendants.</p> <p>18 Q. So the Lantern Group has brought a</p> <p>19 proceeding against them; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Were they both involved in the same</p> <p>22 proceeding or was this two separate</p> <p>23 proceedings?</p> <p>24 A. Two separate proceedings.</p> <p>25 Q. Who is the first permanent tenant</p>
<p style="text-align: right;">Page 11</p> <p>1 Rolande Cutner 11</p> <p>2 that you testified for?</p> <p>3 A. Chris Santee, S-A-N-T-E-E.</p> <p>4 Q. Why had the Lantern Group brought a</p> <p>5 case against Mr. Santee?</p> <p>6 MR. CUTNER: I object to the</p> <p>7 form of the question.</p> <p>8 A. I don't know.</p> <p>9 Q. Why were you asked to testify?</p> <p>10 A. I was asked to testify regarding</p> <p>11 the terrible condition of the building</p> <p>12 because I live in the building since</p> <p>13 September '94, and I was able to testify on</p> <p>14 my knowledge of the terrible condition of the</p> <p>15 building.</p> <p>16 Q. Did you testify in court or at a</p> <p>17 deposition like this?</p> <p>18 A. No, in court, open court; landlord</p> <p>19 and tenant court.</p> <p>20 Q. Who is the other tenant that you</p> <p>21 testified on behalf of?</p> <p>22 A. Chris -- Nicolas Legrand;</p> <p>23 N-I-C-O-L-A-S, L-E-G-R-A-N-D.</p> <p>24 Q. Do you know why the Lantern Group</p> <p>25 had brought a proceeding against Mr. Legrand?</p>	<p style="text-align: right;">Page 12</p> <p>1 Rolande Cutner 12</p> <p>2 A. Probably because he was, he asked</p> <p>3 me to be a witness but only a witness.</p> <p>4 Q. What did he ask you to testify to?</p> <p>5 A. About terrible condition of the</p> <p>6 building and also it was accuse, it was</p> <p>7 charged disrupting the life of the tenant and</p> <p>8 he ask me to be a witness because it happened</p> <p>9 that his bedroom is on the third floor and I</p> <p>10 am on the third floor so, of course, I am</p> <p>11 there every day and I testify to that, to the</p> <p>12 fact that I live on the third floor, he lives</p> <p>13 in the third floor and I was a witness of</p> <p>14 what's happening on the third floor.</p> <p>15 Q. Other than what you've already</p> <p>16 testified to, have you ever been involved in</p> <p>17 any other litigation?</p> <p>18 A. Not that I recall.</p> <p>19 Q. Where were you born?</p> <p>20 A. Paris.</p> <p>21 Q. When did you move to the United</p> <p>22 States?</p> <p>23 A. The last, last time, because I move</p> <p>24 several times, but the last time was</p> <p>25 September '94, yes.</p>

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2 Q. Are you a United States citizen?

3 A. Yes, I am.

4 Q. When did you become a citizen?

5 A. April 21, 1970.

6 Q. What is your profession?

7 A. I am an attorney.

8 Q. When did you get your law degree?

9 A. I got the law degree in France but

10 because my university was so unknown, I

11 request a Court of Appeal to present myself

12 at the bar exam without having four years of

13 college and the court of appeal hand an Order

14 that I could, yes, present myself and I did

15 on February, the February session, and I win,

16 and I was in September '78, I was sworn in as

17 a lawyer in New York. And also after I

18 applied for federal court and in December '78

19 I was received as a lawyer in federal court

20 and then in the Court of Appeals and '78 and

21 then in the Supreme Court of the United

22 States in Washington, DC, which I am very

23 proud.

24 Q. Congratulations.

25 A. Yes.

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2 equipment, so that part of my activity will

3 be to advise and the coming to this country,

4 how to establish a legal presence in this

5 country, that's part.

6 Second part is to litigate in

7 federal court. Why, because of the diversity

8 of the citizenship because it's \$75,000,

9 whatever they ask for, because the French

10 make terrible mistake because they need a

11 lawyer, because they are petrified with

12 American lawyers and generally, they say, "If

13 you know of a French lawyer speaking French

14 so please, please."

15 So I have this type of activity

16 where I go to federal court and most of the

17 time you want to smile. I ask for dismissal

18 of action and then the judge is happy to give

19 me and he is going back to France so that's a

20 little bit of litigation part of my activity,

21 I would say. There's two activities.

22 Q. Which court -- I know that you

23 mentioned that you could do litigation; which

24 courts do you usually practice in?

25 A. New York County Supreme Court,

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2 Q. And you've been licensed to

3 practice law in the United States since

4 September of '78?

5 A. Yes.

6 Q. Where is your law practice located?

7 A. Difficult question to answer

8 because, as I said, where I sit and I do on

9 the phone, there is where my law practice is,

10 you know, developing.

11 Right now I have an office, if you

12 ask me for the address, it's 60 Broad Street,

13 B-R-O-A-D, Suite 3502, 35th floor, New York,

14 New York 10004.

15 Q. Do you practice with any other

16 attorneys or are you a solo practitioner?

17 A. I'm solo practitioner.

18 Q. What kind of law do you practice?

19 A. There is two large activity. One

20 will be consult, to advise. Let me give you

21 an example, it's more easy for me to give you

22 an example.

23 French person come to the, come

24 from France and need advice how to create a

25 corporation in LLC, how to create licensing

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2 60 Centre Street, Civil Court, Part 111, and

3 I am also a lot at 80 Centre Street, the

4 section of the Supreme Court at 80 Centre

5 Street because I am a special master for

6 Judge Brown and generally, those judges, I'm

7 talking about the building 80 Centre Street,

8 they request special master and this judge

9 requested a special master and I was there

10 Tuesday and I do special master helping the

11 judge to go into resolution, so I do that.

12 Q. What is your current address?

13 A. 319 West 94th Street, Room 341,

14 New York, New York 10025. That's my home

15 address.

16 Q. How long have you lived at this

17 address?

18 A. September '94.

19 Q. From September 1994 to the present

20 day, did there come a time when the ownership

21 of the building changed?

22 A. Yes.

23 Q. Who owned the building when you

24 first began living at 319 West 94th Street?

25 A. I believe, because I never met the

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2 landlord, I believe it was a family in
3 Brooklyn, I think it's Margolis. I think
4 it's this family in Brooklyn that owns the
5 building until March 2006 where we were
6 pushing for a meeting to the lobby and we
7 were told the Lantern Group took net lease of
8 the building. That was probably March or
9 April 2006.
10 Q. Prior to this meeting in March
11 2006, have you ever heard of the Lantern
12 Group before?
13 A. No, never.
14 Q. Who called everyone down to the
15 lobby for this meeting?
16 A. At that time I did not know but now
17 that I remember, I think it was Rafal Markwat
18 and Eric Galloway. I think they were both at
19 the meeting but I am not sure they directed
20 the tenants. I am not sure but I think they
21 were at the meeting.
22 Q. Other than the fact that the
23 Lantern Group had taken a net lease, what
24 else was said at this meeting?
25 A. The building was going to be

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2 remember vividly because they say we are
3 going to move everything in the back of the
4 building, "don't worry," reassuring the
5 people. We are concerned, you know, because
6 my room is on the back.
7 I must say I was not very much
8 concerned at that time or upset. I just
9 listened.
10 MS. HOLTZER: Please mark.
11 (Complaint was marked
12 Defendants' Exhibit A, for
13 identification, as of this
14 date.)
15 Q. Ms. Cutner, I'm going to show you
16 what's been marked as Exhibit A (handing).
17 Do you recognize this document?
18 A. Yes. This is my complaint. Yes,
19 this is mine.
20 Q. I'm going to direct you to
21 Paragraph 13 of your complaint.
22 A. It says 13.
23 MR. CUTNER: I notice this
24 document is unsigned; is this the
25 original complaint as filed?

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2 renovated, 80 percent were going to be
3 demolished. The people who live in front of
4 the building would be moved into the back of
5 the building so I was not too much concerned
6 because my room, 341 is on the back and very
7 quiet. So at the beginning they say, "We
8 move everybody in the back, don't worry." So
9 I was not worried.
10 Q. Was anything else discussed at this
11 meeting?
12 A. They say that they are going to
13 welcome NY3 population, which we did not know
14 what it was. They just mention that.
15 Q. Was anything else mentioned?
16 A. New management. I think the lady
17 Harriet Cohen was present at that meeting,
18 probably March or April 2006. I think this
19 lady was present.
20 Q. Did anyone say anything about what
21 the Lantern Group does or what kind of
22 company the Lantern Group is?
23 A. I don't recall. I don't think it
24 was a lot of discussion about that. I think
25 they just introduce themselves and that I

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2 MS. HOLTZER: This is the
3 one we have.
4 A. I signed it because I was helped by
5 a lawyer on the pro se department.
6 MR. CUTNER: I'm just asking
7 about this document, whether it's
8 the original complaint. This
9 document is not signed.
10 MS. HOLTZER: I'm not even
11 sure if we have a signed copy. We
12 don't have the signed copy of it.
13 A. I verify that this is all the
14 numbers because since I wrote it, if some
15 number would be missing, I would be able to
16 tell you it's missing. Yes, I recognize my
17 complaint. It look to me like the correct,
18 that's a correct complaint that I filed.
19 Q. So I'm going to direct you back to
20 Paragraph 13 now. In the first sentence of
21 Paragraph 13 you use the term "permanent
22 tenant." Do you see where I'm referring to?
23 A. Permanent tenant, yes.
24 Q. And what do you understand a
25 permanent tenant to mean?

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2 A. I understand it's a tenant which

3 has been living in a SRO building, in a SRO

4 building.

5 Q. Does a tenant have to be living in

6 an SRO building for a certain amount of time

7 to become a permanent tenant or is it

8 automatic?

9 A. I understand because the building

10 is called by New York City SRO building, when

11 you live in this building, I understand you

12 are a permanent tenant. This is what I

13 understood but, of course, I am not a real

14 estate lawyer.

15 Q. Does permanent tenant status confer

16 any kind of benefits or rights upon a person?

17 MR. CUTNER: Are you asking

18 for legal advice? I'm not sure

19 what the question is.

20 Q. I'm asking what is your

21 understanding of legal rights or benefits

22 that a person has from that permanent tenant

23 status.

24 A. I understood because me and other

25 people were living in the SRO building and

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2 Q. What did being a member of the

3 advisory board entail, such as meetings?

4 A. Meeting.

5 Q. How often did you have meetings?

6 A. At the beginning?

7 Q. Yes.

8 A. We had probably one in August or

9 September. I am not sure about the months

10 but in 2006 and then one in January 2007 and

11 then one in probably October 2007 and it

12 stopped there.

13 Q. Are there any other activities that

14 you participated in your capacity as a member

15 of the tenant advisory board?

16 A. Yes. We were invited to

17 participate on, one day we had a visit from

18 the elected official from New York City,

19 elected official, so a lady by the name of

20 Gail Brewer (phonetic) came and that was the

21 visit at the building. I believe it was

22 August 2007. I'm not sure about the month

23 but it was in 2007.

24 Q. Why were the elected officials

25 coming to the building?

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2 the rules and regulations of New York apply

3 to us.

4 Q. A few sentences down you say that

5 you are a tenant in good standing.

6 What does it mean to be a tenant in

7 good standing?

8 A. I understand it's a tenant that

9 pays regularly its rent.

10 Q. You also reference the tenant

11 advisory board.

12 What is a tenant advisory board?

13 A. I understand that it was a body --

14 let me explain that. I was approached to be

15 a member of this board and, of course, when

16 you are approached, the question you ask is

17 what for and they say because you should

18 negotiate with the Lantern Group and because

19 a tenant -- I would not say no education,

20 it's not that -- after with legal term "we

21 wish that you -- because you are familiar

22 with legal term, we wish you could be a

23 member of this board," and this board was

24 designed to negotiate with the Lantern Group

25 in good faith. This is what I understand.

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2 A. Because the building was

3 deteriorating at high speed and it seemed

4 that the elected official did not know or

5 they pretended they did not know, so a visit

6 or two was organized to make them aware of

7 the terrible condition of the building.

8 Q. Who organized the visit?

9 A. I believe that another permanent

10 tenant but I'm not sure because Chris Santee

11 was also on the board, Nicolas Legrand were

12 also on the board and I believe that in

13 connection with Shaffak Islam (phonetic),

14 which is the lawyer for the SRO project, I

15 believe, because I was not there. They

16 notify the elected official Ms. Gail Brewer

17 to come and look at the terrible condition of

18 the building. I believe they organized, they

19 asked me and Ms. Brewer to come.

20 Q. Were any other elected officials

21 there or representatives?

22 A. Yes. I think Cal Meade, M-E-A-D-E.

23 I think he's, he was there with Gail. Gail I

24 remember well, vividly. I talk to her so I

25 remember her more. Michael Watts (phonetic)

<p style="text-align: right;">Page 25</p> <p>1 Rolande Cutner 25</p> <p>2 probably there and maybe also people from the</p> <p>3 New York City Department of Housing because</p> <p>4 if my memory is correct, I remember all this</p> <p>5 group of people but specifically, talk to</p> <p>6 Gail Brewer.</p> <p>7 Q. What did you talk to Gail Brewer</p> <p>8 about?</p> <p>9 A. The terrible condition on the third</p> <p>10 floor because this is the floor where I live.</p> <p>11 Q. What was the terrible condition on</p> <p>12 the third floor?</p> <p>13 A. Bed bugs, mice, mold on the corner</p> <p>14 of the ceiling. Bathroom clog up with human</p> <p>15 waste on the bowl, WC bathroom pipe totally</p> <p>16 clogged up. In the kitchen, big hole where</p> <p>17 army of mices were coming, vermin; very bad</p> <p>18 condition in kitchen. And I understand</p> <p>19 because I'm not, again, I see a lawyer for</p> <p>20 C violations of the building which understand</p> <p>21 are very serious violations and I understand</p> <p>22 that, specifically, Chris Santee and Nicolas</p> <p>23 Legrand point out to Gail Brewer the</p> <p>24 C violation which is a very, very serious</p> <p>25 condition of the building.</p>	<p style="text-align: right;">Page 26</p> <p>1 Rolande Cutner 26</p> <p>2 Q. Did Ms. Brewer or Mr. Meade or any</p> <p>3 of the individuals from the Department of</p> <p>4 Housing say anything to you or --</p> <p>5 A. I talk only to Ms. Brewer.</p> <p>6 Q. Did Ms. Brewer say anything to you</p> <p>7 regarding the conditions of the building?</p> <p>8 A. Yes, she did.</p> <p>9 Q. And what did she say?</p> <p>10 A. "Don't worry, everything is going</p> <p>11 to be fine. Just trust me, I understand,</p> <p>12 Ms. Cutner. I understand you completely.</p> <p>13 Don't worry, don't worry, don't worry."</p> <p>14 Q. Did you hear any of the other</p> <p>15 individuals that were visiting say anything</p> <p>16 about the conditions of the building?</p> <p>17 A. Not to me. I only talk to Ms. Gail</p> <p>18 Brewer.</p> <p>19 Q. Did you overhear any of the other</p> <p>20 individuals saying something to somebody else</p> <p>21 regarding the conditions of the building</p> <p>22 during this visit?</p> <p>23 A. It's difficult for me to pinpoint</p> <p>24 because, as I explain, they were huge</p> <p>25 delegation from New York Department of</p>
<p style="text-align: right;">Page 27</p> <p>1 Rolande Cutner 27</p> <p>2 Housing, I believe. You have huge</p> <p>3 department, F, New York Department of</p> <p>4 Housing. I think one of the girl's name is</p> <p>5 Jessica Katz, elected official, and it was a</p> <p>6 huge crowd of people, you know. And so</p> <p>7 people were discussing but I cannot say</p> <p>8 people use discretion. It was this huge</p> <p>9 group of people and I only talk to Gail</p> <p>10 Brewer.</p> <p>11 Q. After that visit, did you have any</p> <p>12 other contact with Ms. Brewer?</p> <p>13 A. No, never.</p> <p>14 Q. Do you know if anyone else from the</p> <p>15 tenant advisory board had any further contact</p> <p>16 with Ms. Brewer?</p> <p>17 A. I think that Chris Santee, the man</p> <p>18 that I indicate to you, several times went to</p> <p>19 her office to complain and he was, I would</p> <p>20 say, very concerned.</p> <p>21 Q. Did he actually meet with</p> <p>22 Ms. Brewer or one of her representatives?</p> <p>23 A. I think so.</p> <p>24 Q. Did he tell you anything about</p> <p>25 anything that he discussed with Ms. Brewer?</p>	<p style="text-align: right;">Page 28</p> <p>1 Rolande Cutner 28</p> <p>2 A. No. He was a little bit, would I</p> <p>3 say, laughing at me or smiling at me and said</p> <p>4 that she will never do anything for us. I</p> <p>5 think I remember the sentence because the</p> <p>6 fact I have naive and what he said to me, he</p> <p>7 said, "she will never do anything for us."</p> <p>8 Q. Other than what you've already</p> <p>9 testified to, did you participate in any</p> <p>10 other activities in your capacity as a member</p> <p>11 of the tenant advisory board?</p> <p>12 A. I went to see the lawyer of the SRO</p> <p>13 building to try to get help.</p> <p>14 Q. Is that Mr. Islam?</p> <p>15 A. Mr. Islam, I visit him in his</p> <p>16 office.</p> <p>17 Q. What did you discuss with</p> <p>18 Mr. Islam?</p> <p>19 MR. CUTNER: I object to</p> <p>20 that.</p> <p>21 Privileged communication.</p> <p>22 Q. Mr. Islam, is he an attorney for</p> <p>23 the building or for the tenants?</p> <p>24 A. He's attorney for the SRO law</p> <p>25 project.</p>

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1 Rolande Cutner 29

2 MR. CUTNER: I'm sorry, I

3 thought he was the attorney for the

4 tenants.

5 THE WITNESS: No, no. He's

6 SRO. It's called SRO law project

7 and he explained to me not only I

8 can say he's a little bit for the

9 building because he has our

10 building in his portfolio but it's

11 very difficult to see because he

12 told me they have ten buildings

13 like that, so the guy's slumped

14 with work and it's a miracle they

15 received me, he accept to see me

16 because they have ten buildings

17 like that.

18 Q. Who does Mr. Islam -- who is his

19 client, who does he represent?

20 A. I think he is, as again I said, SRO

21 law project. It's a project, you know, SRO

22 law project, and we are not only building.

23 There are several buildings.

24 Q. What is the SRO law project?

25 A. I understand a body created by, I

Page 31

1 Rolande Cutner 31

2 us?"

3 Q. After the March 2006 meeting that

4 you referenced earlier, did anyone from the

5 Lantern Group meet with the tenants again

6 regarding the redevelopment of the building?

7 A. As I indicated, those two dates,

8 maybe January 2007 or October 2007.

9 Q. Are the tenant advisory board's

10 meetings that you referenced earlier, those

11 were also meetings where the members of the

12 Lantern Group were present?

13 A. Chris, again, was very active and

14 if he raised hell then maybe Rafal Markwat

15 would tiptoe or this lady, Harriet Cohen,

16 would tiptoe into the building. So yes.

17 Q. And after March 2006, when was the

18 next time that Ms. Cohen or Mr. Markwat or

19 anyone else from the Lantern Group came to

20 the building to have discussions with the

21 tenants?

22 A. September 2007 or August. Again, I

23 am not very sure the months but I would say

24 the Summer of 2007.

25 Q. Who from the Lantern Group came to

Page 30

1 Rolande Cutner 30

2 don't know if they are volunteers or maybe

3 big law firm in New York City and some lawyer

4 of that I don't know but I understand the SRO

5 law project is huge.

6 It's a project to help people like

7 us to help who are permanent tenant in SRO

8 building, where I would say it's a project to

9 help people who are permanent tenant in SRO

10 building.

11 Q. You say, you allege in Paragraph 13

12 that the tenant advisory monitored closely

13 the redevelopment plan of 319 West 94th

14 Street; do you see where I'm referring to in

15 the complaint?

16 A. Right.

17 Q. How did the tenant advisory monitor

18 the redevelopment plan?

19 A. In asking questions.

20 Q. Who did you ask questions of?

21 A. As I said, Chris Santee and Nick

22 Legrand were very active in this board and

23 the board was asking questions to the Lantern

24 Group to HPD Department, "What's going on,

25 what's going on, what's going to happen to

Page 32

1 Rolande Cutner 32

2 the building in September 2007?

3 A. Harriet Cohen.

4 Q. Do you remember what Ms. Cohen said

5 at this meeting?

6 A. Yes.

7 Q. What did Ms. Cohen say?

8 A. "Don't worry. I am here to listen

9 to your complaints. Everything is going to

10 be fine. Now we have a rule and regulation

11 and you have to follow the rules and

12 regulations in the building." That's when

13 the Lantern Group issued rules and

14 regulations and said, "You better follow

15 those rules and regulations."

16 Q. What were these rules and

17 regulations that Ms. Cohen introduced?

18 A. No delivery, no cleaners, no

19 delivery of newspaper, no delivery of Federal

20 Express, no delivery of food. That means

21 that if you are sick in bed, you have to go

22 out and try to get some food. No delivery,

23 no delivery of anything, that's the rule.

24 Q. Did this mean no delivery to your

25 specific room or no delivery to the building?

<p style="text-align: right;">Page 33</p> <p>1 Rolande Cutner 33</p> <p>2 A. To the building.</p> <p>3 Q. If somebody wanted to order a</p> <p>4 pizza, would they be able to have a pizza</p> <p>5 delivered to the building?</p> <p>6 A. I don't ask for pizza because I am</p> <p>7 always on a diet but I suppose, I mean, I did</p> <p>8 not test this rule. I test it for the</p> <p>9 clothes but not this rule but that was the</p> <p>10 rule, no delivery in this building.</p> <p>11 Q. It wasn't that people couldn't</p> <p>12 deliver things to your individual room, it</p> <p>13 was that you couldn't even go down to the</p> <p>14 lobby and pick it up yourself; is that</p> <p>15 correct?</p> <p>16 A. I cannot recall about specifically</p> <p>17 coming down, I cannot recall. Maybe she said</p> <p>18 that but I cannot recall that. I don't</p> <p>19 recall that this minute.</p> <p>20 Q. Did Ms. Cohen give any kind of</p> <p>21 reason why she implemented this rule?</p> <p>22 A. Yes.</p> <p>23 Q. What was the reason that she gave?</p> <p>24 A. "We are afraid of stealing, we</p> <p>25 don't want to be responsible for mail being</p>	<p style="text-align: right;">Page 34</p> <p>1 Rolande Cutner 34</p> <p>2 stolen" or my clothes being stolen. "We</p> <p>3 don't want to have any responsibility and we</p> <p>4 are concerned about stealing."</p> <p>5 Q. Do you know --</p> <p>6 A. Although that they have the</p> <p>7 security guard that you forgot to ask me,</p> <p>8 they have the security guard. But her</p> <p>9 concern was stealing. That I remember very,</p> <p>10 very vividly because we had a very strong</p> <p>11 discussion at that time, and I remember that.</p> <p>12 Q. How, in what way was it a very</p> <p>13 strong discussion?</p> <p>14 A. Because I said, "I live in this</p> <p>15 building since September 1994. I have</p> <p>16 clothes delivered since September of 1994."</p> <p>17 They always put the clothes, there's a hook,</p> <p>18 you know, by the window. Since 1994 I have</p> <p>19 my clothes delivered there twice a week.</p> <p>20 Nobody stole anything. We had doorman at</p> <p>21 that time.</p> <p>22 We had, you know, a doorman from --</p> <p>23 they like to talk to me because they speak</p> <p>24 French. We never had anything stolen in this</p> <p>25 building so don't come now and say, oh, we</p>
<p style="text-align: right;">Page 35</p> <p>1 Rolande Cutner 35</p> <p>2 are afraid of stealing.</p> <p>3 Q. Do you know if anyone else in the</p> <p>4 building had any complaints regarding</p> <p>5 stealing?</p> <p>6 A. I am not aware of that.</p> <p>7 Q. This redevelopment plan, did they</p> <p>8 tell you how the building was changing? I</p> <p>9 know you referenced that 80 percent of the</p> <p>10 building was going to be demolished but was</p> <p>11 anything supposed to be put in its place?</p> <p>12 A. Yes. They explain to us that they</p> <p>13 will install 60 people called, quote/unquote,</p> <p>14 "NY3 population." So I ask, do you know what</p> <p>15 is this? No, you don't know, you know. Do</p> <p>16 you know what is NY3 population?</p> <p>17 Q. No.</p> <p>18 A. Ex-convict, people having AIDS,</p> <p>19 ex-drug addicts, ex-pornographers,</p> <p>20 pedophiles; people coming out of jail because</p> <p>21 New York City is closing the psychiatrist</p> <p>22 department in the hospital, people so-called</p> <p>23 feeling now that they can live in society but</p> <p>24 they are living the psychiatrist mode of the</p> <p>25 hospital that New York City is closing and</p>	<p style="text-align: right;">Page 36</p> <p>1 Rolande Cutner 36</p> <p>2 they will be monitored by medication. So I</p> <p>3 ask the question, I said, "Monitor how? How</p> <p>4 they are going to be monitored?"</p> <p>5 And they say, "Well, from 9:00 to</p> <p>6 5:00 we are going to have a social worker in</p> <p>7 the building." Oh, yeah, and after</p> <p>8 5 o'clock, no, no, no. This person works</p> <p>9 from 9:00 to 5:00. So I say, "You mean that</p> <p>10 I am going to sleep next to a pedophile or a</p> <p>11 rapist and nobody is going to be looking at</p> <p>12 this person from 9:00 in the evening until --</p> <p>13 from 5:00 in the evening until 9:00 in the</p> <p>14 next morning?"</p> <p>15 "Yes, that's right."</p> <p>16 So that was you are asking me about</p> <p>17 the description that was the discussion I had</p> <p>18 with Ms. Harriet Cohen.</p> <p>19 So then I said, "Ex-drug addicts,</p> <p>20 oh, they are cured, people coming out from</p> <p>21 psychiatrist hospital, oh, they feel much</p> <p>22 better. How do you know?"</p> <p>23 She said, "Oh, they don't take</p> <p>24 drugs anymore." I said, "How do you know."</p> <p>25 "Well, we just asked them." This</p>

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1 Rolande Cutner 37

2 is Mrs. Harriet Cohen, but "we ask them."

3 Q. Do you know what Ms. Cohen's title

4 was with the Lantern Group?

5 A. I believe, I am not sure. I

6 believe she was the director of the social

7 service but I believe, I am not sure.

8 Q. Do you know if the Lantern Group

9 ran other buildings that serviced the NY3

10 population?

11 A. I am not aware. Maybe, but I am

12 not aware of that.

13 Q. Do you know whether the Lantern

14 Group's purpose is to service the NY3

15 population?

16 A. I could not answer this question

17 because I don't believe that the purpose is

18 to serve the NY3 population but I do believe

19 in order to get the million dollars tax free

20 and tenant free, New York City said, "Okay, I

21 give you \$38 million but you have an

22 obligation to house 60 persons coming out of

23 the psychiatrist ward of the hospital that we

24 are closing because you have the special

25 ability to house them because we give you the

Page 39

1 Rolande Cutner 39

2 Lantern Group is a non profit entity?

3 A. On that first meeting when

4 Ms. Harriet Cohen was present and maybe, I'm

5 not sure, Rafal Markwat and Eric Galloway

6 were present at the first meeting or at

7 another meeting but they explain that to us.

8 Q. What did they explain about the

9 fact that Lantern Group was non profit?

10 A. They just said that it's a non

11 profit.

12 Q. Did they explain what the Lantern

13 group's non profit purpose was?

14 A. No, I don't recall.

15 Q. Did they explain whether the

16 Lantern Group was a non profit entity?

17 A. I don't recall. I mean verbally, I

18 think that they gave us maybe, I would have

19 to look into my file, but on that particular

20 meeting I don't recall today but, I mean, I

21 could go into my file and maybe they gave us

22 this piece of paper when they mention they

23 were a non profit. I know that they mention

24 that verbally but they might have give us

25 also a piece of paper explaining.

Page 38

1 Rolande Cutner 38

2 38 million," that -- I understood that.

3 Q. Now, you mentioned that part of the

4 redevelopment plan was to service this

5 population.

6 Was this something that happened

7 immediately when the Lantern Group took over?

8 A. Yes. They mention it, I believe,

9 at the first presentation, especially because

10 Ms. Harriet Cohen was there and I believe she

11 was director of the social services and I

12 believe, I can be, I don't think wrong but on

13 March 2006 when they took over the building,

14 they did not mention it like that. They just

15 mention, "Oh, we are going to have to house

16 NY3 population." Uh-huh, but they did not,

17 you know, elaborate on that.

18 Q. Did these NY3 individuals start

19 moving in immediately or were they going to

20 move in after the building had been

21 redeveloped?

22 A. I don't know that. I don't know.

23 Q. I'm going to direct you to

24 Paragraph 14.

25 Where did you learn that the

Page 40

1 Rolande Cutner 40

2 Q. Do you remember what the piece of

3 paper said?

4 A. It was a description of the

5 renovation of the building that I remember

6 because I was concerned by the fact that

7 living in the back I would be, quote/unquote,

8 "protected" because they were first moved

9 everybody in the back. That, I remember

10 that, vividly, yes.

11 MS. HOLTZER: I'm just going

12 to call for the production of the

13 piece of paper.

14 THE WITNESS: If I find it.

15 If I find this paper.

16 Q. How did you learn that the Lantern

17 Group was receiving public funding to

18 redevelop the building?

19 A. In this paper that I, again, I have

20 to look, that they gave us on the first day

21 of the meeting or I have read it someplace.

22 Maybe I read it in another piece of paper.

23 I'm not sure but I must have read it

24 someplace.

25 Q. I'm going to direct you now to

Page 41

1 Rolande Cutner 41

2 Paragraph 16.

3 Do you see where it says, "The

4 Lantern Group wishes to convert a six-story

5 pre-war structure into a nine-story

6 monstrosity"? Why do you refer to it as a

7 monstrosity?

8 A. Because not only they want to move

9 the people in the back and they want to add

10 three more floors on the top and add on the

11 backyard so that building will be so high

12 that it will be a monster compared to the

13 other buildings which are five floors, that

14 was, in that huge monster would be sitting

15 there like a huge green monster. It was a

16 little bit to make fun of the Lantern Group,

17 the word that I used, "monster."

18 Q. In the pamphlet that they gave you

19 at the meeting, did they have a picture or at

20 any time did they show you a picture of what

21 the proposed redevelopment of the building

22 looked like?

23 A. I don't recall.

24 Q. I want to direct you to

25 Paragraph 26. You allege here that you

Page 43

1 Rolande Cutner 43

2 a marathon before. A lot of the people tell

3 me you are fatigue, you stop your marathon

4 but when the bladder start to act up, that

5 really start to concern me.

6 Q. When did you first go visit a

7 doctor regarding the bladder dysfunction?

8 A. Like in 1990.

9 Q. What doctor did you visit?

10 A. I always visit French doctor, why,

11 because I am a French citizen and I have, as

12 you know, everything is free in France. That

13 you know because, because of French

14 citizenship everything is free.

15 Q. What is the name of the doctor that

16 you visited in 1990?

17 A. Etienne Roulett; E-T-I-E-N-N-E,

18 R-O-U-L-L-E-T.

19 Q. What did Dr. Roulett tell you when

20 you told him your symptoms?

21 A. He suspected because, at that time,

22 you know, it's very difficult to give you a

23 diagnostic, so in 1990 he suspected multiple

24 sclerosis and he sent me to another professor

25 for my bladder dysfunction, Professor

Page 42

1 Rolande Cutner 42

2 suffer from multiple sclerosis.

3 When were you diagnosed with MS?

4 A. I think 1992 because you have to

5 understand it's very difficult to get

6 diagnostic.

7 Q. When did you first experience

8 symptoms?

9 A. In probably 1983 because I was

10 falling a lot, falling in the street, falling

11 coming out of the baths, falling coming out

12 of the subway.

13 The first thing is that you fall a

14 lot and the second thing, your bladder

15 dysfunction and I could not pee, you know, so

16 that's an indication that something is

17 definitely wrong.

18 Q. When did you first experience that

19 symptom?

20 A. At the very beginning, between

21 1983, '84. And it became so bad that I could

22 not pee. I mean, you know, it was really so

23 bad and I started to really be concerned

24 about most the falling. I couldn't explain

25 it because I was good and, and I was doing

Page 44

1 Rolande Cutner 44

2 Amarenco, A-M-A-R-E-N-C-O, for bladder

3 dysfunction.

4 Q. And how did Dr. Amarenco treat your

5 bladder dysfunction?

6 A. It's wonderful. Let me explain to

7 you. He teach me to self-catheter and that

8 change my life completely so I went to a

9 special hospital to be taught to

10 self-catheter and that give me freedom.

11 I don't have to wear a permanent

12 tube coming from the bladder down with a bag

13 which is horrible because before that they

14 did not know how to treat bladder dysfunction

15 so you had to carry, you know, a tube and a

16 bag and but now with this self-catheter, it

17 gives you freedom.

18 It gives you the fact that today

19 I'm talking to you and when we have a break,

20 I am going to go to the ladies' room and

21 self-catheter myself.

22 Q. Did you experience any other

23 symptoms of multiple sclerosis other than the

24 falling down and the bladder dysfunction?

25 A. Yes. You lose what they call the

Page 45

1 Rolande Cutner 45
2 grip function. For instance, if I want to
3 grip this, if I don't pay attention, I'll do
4 like that (indicating). But now, I am
5 trained with the brain to say "to grip" so,
6 you know, so you lose the grip function of
7 the two first fingers. You lose a little bit
8 the eye function. You have the bladder, you
9 have the leg, the eyes and the grip function.
10 Q. Do you still experience all of
11 these symptoms today?
12 A. Oh, yes. You never, there is no
13 cure. MS has no cure, has no cure.
14 Q. Other than the self-catheter, is
15 there any other manner in which your MS is
16 treated?
17 A. You mean treatment?
18 Q. Right.
19 A. They gave me what we call in
20 French -- means that you enter the hospital
21 and they put in your vein cortisone at high
22 levels for two, three hours, so you had to
23 enter the hospital because they give you this
24 cortisone and it supposedly makes you feeling
25 better for the walking. So I did have, at

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1 Rolande Cutner 47
2 self-catheter, eliminate the urine, urine,
3 urine, this germ stay in your bladder.
4 What happens, they go up, they give
5 you fever, they give you a lot of very bad
6 fever and you might die. So because of that
7 I have to self-catheter ten times a day to
8 eliminate the urine and eliminate the germ.
9 Q. When you say that you have to go
10 every month, is that to visit the doctor in
11 France?
12 A. Yes, because the rule in France
13 is -- because this is very expensive, you can
14 imagine. In France they monitor you because
15 they pay, the government pay for this
16 treatment so they monitor you so every month
17 I have to request, you know, it's not, you
18 cannot send it through the mail to America
19 because it's monitored because it's so
20 expensive. It's very, very expensive.
21 So I would say, let me add to that,
22 maybe, like, if I can have every six weeks
23 instead of every four weeks, you know, I beg
24 the doctor and administratively they say,
25 "Okay, give her six weeks." But it's very

Page 46

1 Rolande Cutner 46
2 that time, the treatment for that but not
3 anymore, not now.
4 Q. How often did you have to go for
5 this treatment?
6 A. Let's separate first bladder
7 function which is so important. I have to go
8 every months because the catheter is a little
9 bit, it's a plastic little thing like that
10 (indicating) and it cost a fortune and I am
11 doing that ten times a day so that means, I
12 mean, Sonde, S-O-N-D-E, what you call in
13 France, this is a catheter in this country,
14 you call it catheter. So I have to go all
15 the months because I do the bladder ten
16 times, and why ten times because when you
17 self-catheter, at the same time you send germ
18 in your bladder so the way to eliminate the
19 germ without having high fever is to prevent
20 the germ from getting married because the
21 germ in your bladder, they swim, you know,
22 like little (indicating), then they see a
23 female germ and they get married but when
24 they are male, they have ten million children
25 every four hours, so that mean if you don't

Page 48

1 Rolande Cutner 48
2 controlled because it's very expensive. This
3 is the reason.
4 Q. The cortisone treatment that you
5 described earlier, how often?
6 A. That stopped completely.
7 Q. When did that stop?
8 A. I stopped like two -- two, three
9 years ago I stopped.
10 Q. Why did you stop that treatment?
11 A. It did not help me. It put my
12 liver in danger because this cortisone is a
13 hormone and it can damage the liver and
14 because it did not help me, the doctor said,
15 "Stop that, that's not helping you."
16 Q. Other than the catheter and the
17 cortisone treatment, is there any other
18 treatment that you received for your multiple
19 sclerosis?
20 A. No. Not that I am aware of, no.
21 Q. Other than the visits to France
22 that you described in order to get your
23 catheter treatments, how often do you visit
24 the doctor regarding your multiple sclerosis?
25 A. Every months to get the catheter or

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1 Rolande Cutner 49
 2 one every six weeks, let's say, if I can
 3 stretch it.
 4 Q. When you go to France for your
 5 treatment, where do you get treated?
 6 A. Hospital Tenon; H-O-S-P-I-T-A-L,
 7 second word T-E-N-O-N. That's the most I go;
 8 Hospital Rothschild for the bladder because
 9 Hospital Rothschild is specifically dedicated
 10 to neurological bladder, it's a specific.
 11 You receive treatment of that. This
 12 Professor Mancott (phonetic) that I told you
 13 about.
 14 Q. Did you still treat with
 15 Dr. Amarenco?
 16 A. Yes, and Dr. Mancott passed away of
 17 a massive heart attack and everybody was
 18 horrified by his death, you know. He was --
 19 nobody could understand how he can have this
 20 massive heart attack.
 21 Then I was going to Dr. Henfeld's,
 22 H-E-N-F-E-L-D, office. The hospital now is
 23 changed; it's Hospital General, General
 24 Hospital of Poissy, P-O-I-S-S-Y.
 25 Q. In Paragraph 30 of your complaint

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1 Rolande Cutner 51
 2 an umbrella and I don't want to be drenched
 3 by the rain. Therefore, every day I have my
 4 cape with a hood. So it's not related, I
 5 mean, it is related to the weight but it's
 6 related to balance because I cannot carry an
 7 umbrella and go like that (indicating). I
 8 fall forward, I fall on the back. It's
 9 balance.
 10 Q. Just for my own understanding, if
 11 something was very light but was also very
 12 long, would that present a problem?
 13 A. I cannot carry it. I am talking,
 14 for instance, again, let's go back to this
 15 cleaners, my clothes. I cannot, you know,
 16 when you go to the cleaners, they give you
 17 things high and long. If I carry it on my
 18 shoulder, I might fall on my back, which is
 19 terrible because I have metallic plate on my
 20 back; if I carry it in front my foot because
 21 it's long, I fall in front so for instance
 22 for a simple clothes in a cleaners bag which
 23 is light I cannot carry it.
 24 Q. The alternative if something was
 25 heavy but was small, would you be able to

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1 Rolande Cutner 50
 2 you say that you are placed at risk of
 3 falling if you carry anything and this high
 4 risk is due in nature of your condition; do
 5 you see where I'm referring to?
 6 A. Yes.
 7 Q. What do you mean by "anything?"
 8 Would you be able to lift something that's
 9 very light?
 10 A. My handbag, for instance. You have
 11 to understand. Can I show it to you? I can
 12 carry my handbag.
 13 Q. Is there a limit on how heavy
 14 something can be for you to be able to carry
 15 it?
 16 A. See, you have to understand also
 17 two different things: The weight from my
 18 handbag, if it's very heavy, I could not.
 19 But also the balance because, for instance,
 20 I, I cannot carry an umbrella. This is
 21 always why you see me with this rain cape
 22 with a hood, see (indicating).
 23 If you're asking me why do you
 24 carry with you in this beautiful weather a
 25 cape with a hood, my answer is I cannot carry

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1 Rolande Cutner 52
 2 carry that?
 3 A. Not too heavy. My handbag I carry.
 4 Q. About how heavy is a handbag?
 5 A. I don't know, I don't know. It's a
 6 woman handbag so you might say -- let me put
 7 it this way, it's a woman handbag and a
 8 lawyer handbag so I might have papers, books,
 9 my makeup. It's a woman handbag.
 10 Q. I want to turn Page 9, still within
 11 Paragraph 30. You say towards the middle of
 12 the page that you have to use a leg brace?
 13 A. Yes.
 14 Q. On which leg do you wear the brace?
 15 A. On the right leg but I don't use it
 16 every day. For instance, this morning I did
 17 not wear it. I use it -- again, you have to
 18 understand this disease. When the fatigue is
 19 so intense I cannot even raise my leg so I
 20 have to brace it to help me.
 21 Q. How often do you wear the brace?
 22 A. It's related to fatigue so I could
 23 wear it every day if I am really fatigue and
 24 I cannot get out of bed in the morning so I,
 25 you know, whip myself to go out of bed.

<p style="text-align: right;">Page 53</p> <p>1 Rolande Cutner 53</p> <p>2 As I told my doctor, I don't walk</p> <p>3 with my leg, I walk with my brain. In the</p> <p>4 morning I am paralyzed. I say, "You get them</p> <p>5 and you go into the lobby, in the bathroom"</p> <p>6 because we don't have any bathroom facility.</p> <p>7 We have to walk to the lobby and I</p> <p>8 say "you do that, you walk, you do that," and</p> <p>9 sometime I cannot do it and I put the brace</p> <p>10 and whip very, very tired so it's not like,</p> <p>11 you know, every day because it depends on</p> <p>12 fatigue.</p> <p>13 Q. How long is the leg brace?</p> <p>14 A. It start -- I don't wear it today</p> <p>15 but I mean, it start from the foot -- no, it</p> <p>16 start at the -- here, I can show it to you.</p> <p>17 It start here (indicating)</p> <p>18 underneath the foot. There is this plate</p> <p>19 then it goes up like that into the knees</p> <p>20 because, in fact, it's to help me to raise</p> <p>21 this part which is weak so it started at the</p> <p>22 middle of the foot and go up to the knees</p> <p>23 (indicating).</p> <p>24 Q. It comes up to just above knee or</p> <p>25 does it stop at the knee?</p>	<p style="text-align: right;">Page 54</p> <p>1 Rolande Cutner 54</p> <p>2 A. It stop at the knee.</p> <p>3 Q. I want to go to the next page,</p> <p>4 Paragraph 37.</p> <p>5 A. (Witness complies.)</p> <p>6 Q. How often would you say that since</p> <p>7 September of 1994 you always had your laundry</p> <p>8 bag delivered by Maxene Cleaners; how often</p> <p>9 did you have your laundry delivered prior to</p> <p>10 the Lantern Group's new rule?</p> <p>11 A. I would say more or less twice a</p> <p>12 week, more or less; could be once a week,</p> <p>13 could be twice a week.</p> <p>14 Q. Now, I know you mentioned earlier</p> <p>15 that you had a strong discussion with</p> <p>16 Ms. Cohen where you said you had never had an</p> <p>17 issue of stealing. During this conversation</p> <p>18 with Ms. Cohen, did you tell her that you</p> <p>19 needed your laundry delivered because you had</p> <p>20 a disability?</p> <p>21 A. Yes.</p> <p>22 Q. What did she say in response?</p> <p>23 A. "Don't worry, don't worry, we'll</p> <p>24 think about it."</p> <p>25 Q. What did you say to her regarding</p>
<p style="text-align: right;">Page 55</p> <p>1 Rolande Cutner 55</p> <p>2 your disability?</p> <p>3 A. I would say I retraced the history</p> <p>4 of the building at that particular meeting.</p> <p>5 MR. CUTNER: No, the</p> <p>6 question is what did you say to</p> <p>7 Ms. Cohen about your disability.</p> <p>8 A. I said, "I am disabled, I cannot</p> <p>9 carry anything."</p> <p>10 Q. After you told her, she responded</p> <p>11 that they would think of something; is that</p> <p>12 correct?</p> <p>13 A. Yes, yes.</p> <p>14 Q. When was the next time you</p> <p>15 approached someone at the Lantern Group and</p> <p>16 told them that you had a disability and that</p> <p>17 was why you wanted to have your clothes</p> <p>18 delivered?</p> <p>19 A. I don't understand the question.</p> <p>20 It was with Harriet Cohen on that particular</p> <p>21 date.</p> <p>22 Q. Did you have any other</p> <p>23 conversations with anyone after this</p> <p>24 conversation with Ms. Cohen about your</p> <p>25 disability?</p>	<p style="text-align: right;">Page 56</p> <p>1 Rolande Cutner 56</p> <p>2 A. You mean with Ms. Cohen or with</p> <p>3 other persons?</p> <p>4 Q. With anyone at the Lantern Group?</p> <p>5 A. At the Lantern Group?</p> <p>6 Q. Anyone who works for the Lantern</p> <p>7 Group?</p> <p>8 A. Let me clarify because, you know, I</p> <p>9 talked to you about that, the security guard;</p> <p>10 they refuse everything and I said to the</p> <p>11 security guard, "Ms. Cohen said she's going</p> <p>12 to look into this problem. How do you dare</p> <p>13 to prevent my delivery boy" so I don't know</p> <p>14 legally if they are, I know they are not from</p> <p>15 the Lantern Group but the security guard -- I</p> <p>16 did not look at the contract but I believe</p> <p>17 the security guard are under direction and</p> <p>18 control of the Lantern Group, I believe that</p> <p>19 but I did not look at the contract so my</p> <p>20 answer is yes, I told the security guard,</p> <p>21 "How come you dare to turn aware my delivery</p> <p>22 boy when Ms. Cohen said I am thinking about</p> <p>23 it? How do you dare?"</p> <p>24 Q. On how many occasions would you say</p> <p>25 you had this conversation with one of the</p>

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1 Rolande Cutner 57

2 security guards?

3 A. Twice a week.

4 Q. What did they say in response?

5 A. "Well, you know, lady, fuck you.

6 We are not going to accept anything delivery.

7 You understand, lady."

8 Q. Who said this?

9 A. Security guard.

10 Q. Was that always their response or

11 was there sometimes a different response?

12 A. "I don't know what delivery, I

13 don't know. I don't know. What are you

14 talking about? What clothes, what delivery,

15 what cleaners? I don't know what are you

16 talking about. I don't even understand what

17 you are talking about."

18 Q. Was it always the same security

19 guard?

20 A. No, it's changing at almost -- at

21 one point it was changing almost every day

22 and I would say, "What's your name? Give me

23 your name."

24 "No, lady, I'm not going to give

25 you my name. Fuck you. You understand,

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1 Rolande Cutner 59

2 building because one of them I said, "Why

3 don't you know?" So I ask if we, "Why don't

4 we look."

5 I wanted to retrieve something in

6 the yard, in the backyard and I said, so I

7 ask to go look and he said, "No, you have no

8 right to go into the backyard."

9 So I said, "Why don't we go into

10 the backyard with me to retrieve the thing,"

11 and at one point one was pretty nice, he

12 said, "Okay, let's go. I go with you," so we

13 go.

14 We go downstairs, doors are locked.

15 You cannot go into the backyard so I said,

16 "You have the key?"

17 "No, I don't have the key." I

18 said, "Well, maybe we can go by the

19 elevator." So we go to the elevator. "Oh, I

20 don't have the key of the elevator going

21 downstairs. I don't."

22 I said, "Ask the manager where is

23 the key." He ask the manager and he said, "I

24 don't know, lady." And it was a young man,

25 he was almost in tears.

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1 Rolande Cutner 58

2 lady. You have no business to ask my name."

3 Q. Did you ever learn any of their

4 names, any of the security guards' names?

5 A. No. They will never give their

6 name.

7 Q. Do you know what they looked like?

8 Can you describe what any of the security

9 guards who said this to you looked like?

10 A. Tall. Because I am 5'1" everybody

11 look tall and handsome. Some of them good

12 looking, very young. Some of them trying to

13 help. I mean, not everyone say, "fuck you,

14 lady." Some of them trying to help and say,

15 "I don't know, I don't know. See with the

16 management."

17 I say, "I talked to Ms. Cohen," and

18 they say, "well, I don't know, lady. I don't

19 know. See with the management. I don't

20 know."

21 Q. Do you remember what the one who

22 said "fuck you, lady" looked like?

23 A. No. It will be unfair to me to --

24 they are young people, probably totally

25 uneducated and they don't even know the

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1 Rolande Cutner 60

2 I am telling you, not every

3 security guy were obnoxious. This young man

4 was almost in tears and I said, "How come

5 they did not give you the key? And he said,

6 "Well, lady, we have no training. They did

7 not train me."

8 I don't know. I don't know the

9 guy. The guy did not know and as I say, he

10 was almost in tears.

11 Q. You mentioned earlier that the

12 security guards were changing almost daily?

13 A. Oh, yes.

14 Q. Did that particular security guard

15 that you were just discussing, did you ever

16 see him again in the building?

17 A. The one who was almost in tears?

18 Q. Yes.

19 A. No, no.

20 Q. Are the security guards still

21 changing almost daily?

22 A. Now it's a little bit better. I

23 would say they might last one or two weeks.

24 It's a little bit better but they are still

25 young, probably no education and probably

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1 Rolande Cutner 61
2 inexperienced. I would say probably, I don't
3 know, but I would say they are under the
4 control of the Lantern Group. I did not see
5 the contract, of course. I don't know.
6 Q. What makes you think that they're
7 under the control of the Lantern Group?
8 A. Because one of them I said, "Don't
9 talk to me like that," and he said, "you have
10 nothing to say to me because, you know, I
11 come from New York City, I am the company,"
12 and I say, "but you are security guard,"
13 "yes, but you know, the company we are hired
14 by the City, our company has" -- I don't know
15 what he said about related to the City so at
16 that point I wonder and I felt maybe I really
17 told him you are a bad person and the poor
18 guy belong to the City of New York, I mean,
19 it was a confusing. I was not sure but the
20 Lantern Group controls them. How they could
21 be a security guard without being controlled
22 by the Lantern Group, that doesn't make
23 sense.
24 MR. CUTNER: Would this be a
25 good time for a short recess.

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1 Rolande Cutner 63
2 lobby and I complain to her directly about my
3 clothes, about my clothes not being
4 delivered. I complained to her directly.
5 Q. And is this the same conversation
6 you were referring to earlier where you told
7 her you had a disability and she said they
8 would think of something?
9 A. Yes.
10 Q. Other than what you already
11 testified to, was there any other way that
12 you perceived the Lantern Group was being
13 adamant not to allow you, not to have your
14 clothes delivered?
15 A. The answer is yes, because they
16 issue regulations. I remember vividly this
17 piece of paper with regulations, yes. So my
18 answer is "yes" with the assurance of the
19 regulation.
20 Q. After this conversation with
21 Ms. Cohen, did you have any further
22 conversations with Ms. Cohen regarding the
23 delivery?
24 A. I had one more confrontation; I
25 would say "confrontation."

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1 Rolande Cutner 62
2 (Whereupon, a recess was
3 taken at this time.)
4 MS. HOLTZER: Please read
5 the last question and answer.
6 (Whereupon, the requested
7 portion was read by the reporter.)
8 Q. In your complaint when you state
9 that the Lantern Group was adamant not to
10 have you allowed to have your laundry bag and
11 cleaners delivered --
12 MR. CUTNER: Where is the
13 reference?
14 MS. HOLTZER: I'm referring
15 to Paragraph 46 on the next page.
16 Q. -- are you referring to the
17 security guards?
18 A. No, that I was referring to Harriet
19 Cohen.
20 Q. How is Harry Cohen adamant not to
21 have the laundry bag and clean clothes
22 delivered?
23 A. Because I complain and I don't
24 remember if it was during meeting with a
25 Harriet Cohen but I remember she was in the

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1 Rolande Cutner 64
2 Q. When was this?
3 A. Probably in June 2008 at 40 Rector
4 Street inside the building of the Board of
5 Estimate there was this hearing and she was
6 there because the Lantern Group was there,
7 and I approach her again because again, my
8 clothes, I mean the delivery boy of the
9 Maxene Cleaners were turned away and it
10 happened that she was at this meeting so I
11 approach her immediately and I say, "I'm sick
12 and tired that my cleaners are still, I mean
13 the boy, the delivery boy is turned away when
14 you told me that everything will be
15 arranged?" And I must say I kind of shouted
16 at her at that point. I confront directly.
17 Q. What did Ms. Cohen say in response
18 after you said this to her?
19 A. She was, I should not say
20 flabbergasted.
21 MR. CUTNER: What did she
22 say, if anything?
23 A. What did she say, nothing, no. She
24 looked at me like the ceiling fall on her.
25 Nothing. She look at me and nothing, no.

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<p>1 Rolande Cutner 65</p> <p>2 She said absolutely nothing.</p> <p>3 Q. When you said this to her and she</p> <p>4 said nothing, how did you respond to the fact</p> <p>5 that she said nothing?</p> <p>6 A. I was such in a fury because she</p> <p>7 said nothing. I said, "You are the boss.</p> <p>8 You said you are the boss. You said you will</p> <p>9 fix everything and I don't have my clothes."</p> <p>10 I was in a fury, you know, I really shout at</p> <p>11 her.</p> <p>12 I'm sorry. This is what I said,</p> <p>13 "You are the boss" -- I memorize it -- "You</p> <p>14 are the boss and you said you will fix</p> <p>15 everything."</p> <p>16 Q. Did she respond to that?</p> <p>17 A. Nothing.</p> <p>18 Q. How did the conversation end?</p> <p>19 A. Well, I was because it was such a</p> <p>20 harsh, I mean, you have to realize it's a</p> <p>21 public place, I confronted her. Maybe I was</p> <p>22 wrong to raise my voice and she said nothing</p> <p>23 and I was, I mean, it was wrong. I was</p> <p>24 wrong, whatever.</p> <p>25 Q. Did you say anything else to her?</p>	<p>1 Rolande Cutner 66</p> <p>2 A. No.</p> <p>3 Q. Did you walk away or did she walk</p> <p>4 away?</p> <p>5 A. She was sitting because, as I say,</p> <p>6 it was a hearing and she was sitting, and I</p> <p>7 was in the same room in this hearing and I</p> <p>8 walked to her and I face her. I confront</p> <p>9 her. She said nothing and I went back</p> <p>10 sitting, you know, in my chair.</p> <p>11 Q. Was this before the hearing started</p> <p>12 or after it was over?</p> <p>13 A. Before.</p> <p>14 Q. Other than that first conversation</p> <p>15 that you reference in this line, this</p> <p>16 conversation in June of 2008, did you have --</p> <p>17 A. I'm not sure if it is June or May,</p> <p>18 I mean, maybe it's, I'm certain of May. I</p> <p>19 mean, I have to look into my calendar for</p> <p>20 that.</p> <p>21 Q. Other than these two conversations</p> <p>22 that you testified about, did you have any</p> <p>23 other conversations?</p> <p>24 A. No, no.</p> <p>25 Q. What about with anyone else from</p>
Page 67	Page 68
<p>1 Rolande Cutner 67</p> <p>2 the Lantern Group?</p> <p>3 A. Rafal Markwart; R-A-F-A-L,</p> <p>4 M-A-R-K-W-A-R-T.</p> <p>5 Q. Mr. Markwart, when did you have a</p> <p>6 conversation with Mr. Markwart about your</p> <p>7 disability?</p> <p>8 A. Again, I probably had -- let me</p> <p>9 think.</p> <p>10 Q. Sure.</p> <p>11 A. I have three, let's say</p> <p>12 confrontations other than conversation.</p> <p>13 Confrontation.</p> <p>14 Q. When was the first time you spoke</p> <p>15 with Mr. Markwart about your disability?</p> <p>16 A. It was a long time ago, March</p> <p>17 2006 -- probably in September 2006. I'm not</p> <p>18 sure. Again, I have to look to my book but</p> <p>19 probably then that was the day of the</p> <p>20 visiting with the group, I already mention,</p> <p>21 probably August 2007 and May 13, 2008 in this</p> <p>22 hearing at 40 Rector Street.</p> <p>23 Q. What did you say to him in</p> <p>24 September of 2006?</p> <p>25 A. "I am disabled, I have multiple</p>	<p>1 Rolande Cutner 68</p> <p>2 sclerosis. I cannot carry anything. I have</p> <p>3 a lot of problem with the cleaning in the</p> <p>4 building. The building is deteriorating,</p> <p>5 it's getting worse." You know, complaints.</p> <p>6 Q. What did he say to you in response?</p> <p>7 A. "Don't worry, I'll see what I can</p> <p>8 do."</p> <p>9 Q. Did you say anything else to him?</p> <p>10 A. No, no, no.</p> <p>11 Q. Did he say anything else to you?</p> <p>12 A. No.</p> <p>13 Q. What about in August 2007, what did</p> <p>14 you say to him about your disability again?</p> <p>15 A. Again, I explain to him, "I am</p> <p>16 disabled, I cannot carry anything. You do</p> <p>17 understand that I need my cleaners to be</p> <p>18 delivered to the building. You do understand</p> <p>19 that it's very important to me and the</p> <p>20 building is dirty," complaining about state</p> <p>21 of the building and I think at that day, I'm</p> <p>22 not sure but maybe that day -- I'm pretty</p> <p>23 sure it is that day -- he said, "Well, if you</p> <p>24 tenants would pay your rents then we have</p> <p>25 money to clean this building." And I say,</p>

<p style="text-align: right;">Page 69</p> <p>1 Rolande Cutner 69</p> <p>2 "What, I am paying my rent all the time." So</p> <p>3 that was also confrontation.</p> <p>4 Q. Do you know if all the other</p> <p>5 tenants are paying their rent?</p> <p>6 A. I am not aware. I am not aware of</p> <p>7 that. I don't know.</p> <p>8 Q. Did he say anything to you with</p> <p>9 regards to what you had told him about your</p> <p>10 disability?</p> <p>11 A. No, nothing.</p> <p>12 Q. What did you say to him at the</p> <p>13 hearing on May 13th?</p> <p>14 A. Same thing: "I am disabled, I</p> <p>15 cannot carry anything. Promises has been</p> <p>16 made that the delivery system" -- no, wait.</p> <p>17 Restart.</p> <p>18 "Promises has been made that it</p> <p>19 will be a waiver of the rule of the building</p> <p>20 for disabled people" and because I am</p> <p>21 disabled, it would be a waiver of the rule</p> <p>22 and I confront him again.</p> <p>23 I said, "You long time ago said</p> <p>24 that there's a waiver for people with</p> <p>25 disability and nothing is happening," and I</p>	<p style="text-align: right;">Page 70</p> <p>1 Rolande Cutner 70</p> <p>2 said, "nothing is happening."</p> <p>3 Q. What did he say in response?</p> <p>4 A. Nothing.</p> <p>5 Q. Did you say anything else to him</p> <p>6 when he said nothing, what was your response?</p> <p>7 A. I walk away because, because I</p> <p>8 felt, you know, it's useless, you know. At</p> <p>9 that point I felt discouraged and I felt it's</p> <p>10 useless.</p> <p>11 The guy look at you with very stern</p> <p>12 face, you know, without smiling or even</p> <p>13 without saying "I don't know" to acknowledge.</p> <p>14 I tell you, can I tell you</p> <p>15 something? I had feeling it was a zombie,</p> <p>16 you know, like in a movie when you have those</p> <p>17 people who are walking from outer space in</p> <p>18 the street -- you have seen those movies, you</p> <p>19 know, with those people and he look at you,</p> <p>20 but he look at you, but his eyes are not</p> <p>21 where they're looking at you like he want to</p> <p>22 engage in a conversation but he look at you</p> <p>23 and said nothing, absolutely nothing,</p> <p>24 nothing.</p> <p>25 Q. You testified earlier that some of</p>
<p style="text-align: right;">Page 71</p> <p>1 Rolande Cutner 71</p> <p>2 the security guards when you would confront</p> <p>3 them about the fact that the delivery boy had</p> <p>4 been turned away and that some of the</p> <p>5 security guards responded that you should</p> <p>6 talk to management, did you ever call</p> <p>7 management on specific instances where your</p> <p>8 deliveries were turned away?</p> <p>9 A. I wrote letter. If you look into</p> <p>10 my document that I provide pursuant to</p> <p>11 discovery, you will see a lot of the letters</p> <p>12 that I wrote.</p> <p>13 Again, for the reason is when you</p> <p>14 talking to those people, they are like</p> <p>15 zombies. They are like their eyes do not</p> <p>16 focus to you. It's a silence. It is a</p> <p>17 silence. So I resume writing letter, and if</p> <p>18 you look in my file and interrogatories, you</p> <p>19 will find all my letters.</p> <p>20 Yes, I complain with letters</p> <p>21 because you cannot talk to them.</p> <p>22 Q. Did anyone ever respond to your</p> <p>23 letters about the deliveries?</p> <p>24 A. Yes, Ms. Cohen corresponded.</p> <p>25 Q. How would Ms. Cohen respond?</p>	<p style="text-align: right;">Page 72</p> <p>1 Rolande Cutner 72</p> <p>2 A. "Don't worry, we look into the</p> <p>3 problem."</p> <p>4 Q. Did she respond verbally?</p> <p>5 A. Verbally?</p> <p>6 Q. Did she call you or come visit you?</p> <p>7 A. No, verbally and at that particular</p> <p>8 lobby meeting that I mentioned to you she</p> <p>9 said, "Don't worry, don't worry. I look into</p> <p>10 the problem."</p> <p>11 Q. And you testified earlier that the</p> <p>12 Lantern Group had at some point issued a</p> <p>13 waiver where people with disabilities would</p> <p>14 be able to receive packages. When did this</p> <p>15 occur?</p> <p>16 A. She said she mentioned that</p> <p>17 probably on September 15th. Again, I have to</p> <p>18 look at my calendar. 2007 that they will</p> <p>19 issue a waiver of the regulation for disabled</p> <p>20 people like me.</p> <p>21 Q. Were you able to, did you receive</p> <p>22 deliveries after that waiver was issued?</p> <p>23 A. One or two times it was okay and I</p> <p>24 had hope because it's every two, one or two</p> <p>25 weeks, it was okay and then it resumed that</p>

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1 Rolande Cutner 73
 2 the security guard refused and the cleaners
 3 lady would call me in my office and tell me,
 4 you know, "lady, the doorman" because she
 5 keep tell me, "the doorman refuse the
 6 delivery boy, what can I do? Can you come at
 7 four o'clock because we are closing at 5:00,
 8 come, come" and then I would write a letter
 9 and said again, the delivery boy was turned
 10 down and I write a letter and I send a letter
 11 to management.
 12 Q. On or about September 15th, the
 13 Lantern Group issued a waiver and you got
 14 your deliveries for about one or two weeks;
 15 is that correct?
 16 A. Yes.
 17 Q. And at some point in October
 18 2007 --
 19 A. It reversed to the bad behavior, I
 20 mean, I would say quote/unquote, "bad
 21 behavior."
 22 Q. Did that continue from October 2007
 23 until today?
 24 A. Yes. Last two weeks again and I
 25 would say yes, and I have to write letter.

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1 Rolande Cutner 75
 2 packages created physical, mental and
 3 emotional injuries; what are the physical
 4 injuries that the denial of the packages
 5 cause?
 6 A. Again, I have to explain about the
 7 relationship between the neurological disease
 8 that I have. In multiple sclerosis when you
 9 are extremely upset, the leg don't function
 10 so the doctor always tell me "don't put
 11 yourself in a situation where you are
 12 extremely upset because immediately your legs
 13 are going to fall down, you won't be able to
 14 walk so I warn you, don't put yourself in
 15 that type of situation because it's very much
 16 related when you are under stress that your
 17 leg won't function."
 18 So with this constant battle, not
 19 only for the delivery for the clothes, the
 20 bed bugs, the mice, the rats, the bathroom
 21 and human feces, all this upset me terribly
 22 and that affect my legs. That's the
 23 physical.
 24 Now, also there is some fear. You
 25 have to realize my office is in 60 Broad

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1 Rolande Cutner 74
 2 You might look into your file. I, I enter a
 3 copy of it.
 4 Q. Is every single delivery returned
 5 or is it periodically that one gets returned?
 6 A. It's difficult to say. I would
 7 arrive and ask, "where is my delivery."
 8 Sometimes some of the security guards accept
 9 and sometimes he would say, "no, there is no
 10 deliveries in this building," and I would
 11 say, "Yes, there is delivery. Why don't you
 12 look at the door." Then he would go look at
 13 the door and some guard would say, "okay, I
 14 look and somebody accept," and sometimes the
 15 other guard, other shift don't accept, you
 16 know. So it's very flexible.
 17 Q. How often would you say your
 18 deliveries get rejected?
 19 A. Oh, I would say almost every two
 20 weeks I have a fight or I have to take a
 21 taxi, rush to the cleaners before 5 o'clock
 22 and, I mean, you know, it's, it's a battle.
 23 Let's say it's a battle.
 24 Q. Now, you say in Paragraph 45 of
 25 your complaint that the denial of the

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1 Rolande Cutner 76
 2 Street. It's next to the Stock Exchange.
 3 People there are very elegant, very well
 4 dressed, not only in my building but at the
 5 Stock Exchange. All over Wall Street people
 6 are really well dressed. You should see, I
 7 mean, they keep themselves very well, not
 8 only my office but around the street. And
 9 when I am not well-dressed with clean clothes
 10 and clean underwear and everything clean, I
 11 am terribly upset. That upset me beyond
 12 belief and also in a meeting, I am in a
 13 meeting -- I give you as an example.
 14 I am in a meeting, people are
 15 talking and there is a lunch break and
 16 especially when it is very hot like that,
 17 people will make joke about bodily odor, for
 18 instance and they say, "oh, you know, this
 19 guy, I could not even sit next to him. We
 20 were looking at some document and would you
 21 believe that the guy had bodily odor," for
 22 instance.
 23 So they kind of laugh about that
 24 and to me maybe it's -- I hope it is not true
 25 but to me, mentally, I start to say, oh, my

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1 Rolande Cutner 77
 2 god, if I am not very well-dressed with my
 3 clean clothes sitting next to somebody,
 4 somebody is going to say, "she's not
 5 correctly dressed or she smell bad."
 6 This is the way, I mean, let's --
 7 this is the way I am so this is why I put
 8 that in my complaint is that this constant
 9 battle with the laundry bag with the clothes
 10 to me become a big issue because I don't have
 11 the facility that you might have in your
 12 building -- you go down, you have the washing
 13 machine and I don't have that. I don't have
 14 that.
 15 Q. Other than what you just mentioned,
 16 are there any other physical, mental or
 17 emotional injuries -- I'm just talking with
 18 regards to the laundry now, we'll discuss the
 19 conditions of the building later -- is there
 20 anything else, any other physical, mental or
 21 emotional injuries cause by the denial of the
 22 laundry?
 23 A. As I just explained to you now,
 24 tremendous stress in my office because we go
 25 to meeting and I am so afraid to, you know,

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1 Rolande Cutner 79
 2 telling my client to come the next day or I
 3 don't go to the meeting.
 4 Q. How often did you have to miss a
 5 meeting because you had to leave work at
 6 4 o'clock?
 7 A. Well, I'll say, you know, maybe 52
 8 meetings, 52 meetings, once a week.
 9 Q. Weren't these meetings rescheduled
 10 for another time?
 11 A. Sometimes, sometimes no. Sometimes
 12 no.
 13 Q. On the next page, Paragraph 50, you
 14 say that was the only time when Cutner could
 15 obtain a delivery boy from Maxene Cleaners.
 16 What are you referring to when you say that
 17 was the only time?
 18 A. Because the lady boss of Maxene
 19 Cleaners, she tell me after 5 o'clock the
 20 delivery boy leave and I don't have to have a
 21 second delivery boy to be waiting for you at
 22 7:30, and she said, "I don't have two
 23 delivery boy. I have this one. He leave at
 24 5:00."
 25 Q. So is it correct that the cleaners

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1 Rolande Cutner 78
 2 maybe it's a fear that I should not have but
 3 the fact is I have this fear.
 4 Q. In Paragraph 48, you mention
 5 harassment. Is the harassment that you're
 6 referring to in this paragraph the rejection
 7 of the laundry bags?
 8 A. Yes, yes, yes. That's the type of
 9 harassment.
 10 Q. In Paragraph 49, you allege that
 11 you left work at 4 o'clock in order to reach
 12 the cleaners by 5:00?
 13 A. Yes.
 14 Q. What time would you normally leave
 15 work?
 16 A. About 7:00 or 8:00 because a lot
 17 of --
 18 MR. CUTNER: The question
 19 is, what time.
 20 A. What time, 7:00 or 8:00 in the
 21 evening.
 22 Q. When you had to leave your office
 23 at 4:00, how would you make up for the time
 24 that you lost by not being in your office?
 25 A. I notify the appointment, if I can,

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1 Rolande Cutner 80
 2 itself was open to 7:30 but you needed to get
 3 there by 5:00 in order to have the delivery
 4 boy walk with you; is that correct?
 5 A. Yes, yes.
 6 Q. In Paragraph 52, you reference of
 7 verbal assault from the Lantern Group's
 8 management team.
 9 Who verbally assaulted you from the
 10 Lantern Group management's team?
 11 A. I think it was this young man
 12 called Felix. I'm not sure of his last name,
 13 DeJesus and Jose, the porter.
 14 Q. What did Felix say to you that was
 15 a verbal assault?
 16 A. Again, you have to realize that
 17 eventually that I'm an American citizen. I
 18 speak with a French accent so the French
 19 accent is the letter R is coming from here
 20 (indicating), so if I say "where is the
 21 ladies' room, where is the rest room," and
 22 when I say "where is the rest room," it sound
 23 like a G and they say "what?" So he would
 24 say "what room?"
 25 I say, "the rest room."

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1 Rolande Cutner 81
2 "What room? I don't understand
3 what you said, lady." And they laugh and
4 laugh and laugh and laugh and laugh, you
5 know, at me, they make fun. Any word with a
6 R, I cannot pronounce because the French R --
7 MR. CUTNER: The question
8 asked was, what did they say.
9 A. They laugh. It's not really what
10 they say -- "what do you say, excuse me, what
11 do you say, I don't understand." They make
12 me repeat ten times. I am almost in tears,
13 "what do you say, what do you say" and --
14 Q. Do you think they were asking you
15 because they didn't understand you?
16 A. No, because they were laughing at
17 me. They were laughing at me.
18 Q. How often did this occur?
19 A. As of the first time I asked them
20 for -- for something, they were laughing at
21 me. At the end, again, you will see it in
22 the multiple letters that I wrote because I
23 was so, so sad and upset and I say "it's no
24 use to talk to those people, I am writing a
25 letter to complain."

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1 Rolande Cutner 83
2 A. Yes.
3 Q. Did he respond verbally or in
4 writing?
5 A. In writing.
6 Q. What did he write in response?
7 A. "Don't worry, everything is going
8 to be taken care of. We understand your
9 concern, we look at your letter and you don't
10 worry."
11 Q. Did you ever have any conversations
12 with anyone at the Lantern Group regarding
13 the fact that Felix and Jose were laughing at
14 you?
15 A. No, because I was writing it.
16 Q. You mention that you were hesitant
17 to seek redress from the Lantern Group?
18 A. Yes, yes, that's correct.
19 Q. What kind of redress were you
20 hesitant to take, what do you mean by
21 hesitant to seek redress?
22 A. Make sure, again, I repeat myself
23 ten times, make sure that the delivery boy is
24 accepted, that the security guard are
25 accepting my delivery, that the community

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1 Rolande Cutner 82
2 It went that way because they were
3 laughing at me -- Jose, the porter; Felix,
4 the security guard. They just, I mean, they
5 just laugh and I recognize it be laughing.
6 If I were in the mood it would be
7 funny, I mean, I recognize that it would be
8 funny, but to me it was not funny because it
9 make me repeat ten times and that was not
10 funny.
11 Q. You mention that you wrote letters,
12 who did you direct your letters to?
13 A. Rafal Markwart.
14 Q. What did you write in these
15 letters?
16 A. About no delivery, failure to
17 deliver, people making fun of me, people not
18 listening to me, an inability to communicate,
19 things like that and, again, I have to look
20 into my letter because there's quite a
21 numerous -- you might have remember that you
22 have seen numerous numbers of letters that
23 you might have seen already.
24 Q. Did Mr. Markwat ever respond to
25 your letters?

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1 Rolande Cutner 84
2 bathroom will be clean when I because there's
3 has been a considerable with this for many,
4 that all the mouse and things like that, they
5 would take into consideration my complaint
6 and that type of thing.
7 Q. In what way, why were you hesitant
8 to seek redress from the Lantern Group?
9 A. Because when you deal with people
10 who say "don't worry, I take care of that,
11 don't worry," the first feeling is to believe
12 them. When nothing is done, you say maybe I
13 did not explain it so you go back and then
14 you write letter and then nothing is done,
15 then you say maybe I am dealing with zombie.
16 It is, again, like this movie from
17 outer space people because they never look at
18 you in the face and they always say "don't
19 worry." So after you get discouraged,
20 discouragement, and you say it's no use, I
21 mean, it's really, really no use so this is
22 why you have this very slowly discouraged
23 feeling and I would explain it like that.
24 Q. Did you ever stop raising issues
25 with the Lantern Groups's management because

<p style="text-align: right;">Page 85</p> <p>1 Rolande Cutner 85</p> <p>2 you felt hesitant to seek redress for the</p> <p>3 reasons you just mentioned?</p> <p>4 A. No, because my last letter is</p> <p>5 probably -- we are what, in July, what's the</p> <p>6 date today?</p> <p>7 Q. July.</p> <p>8 A. July. Probably again May I</p> <p>9 withhold complaining about the non delivery</p> <p>10 of my clothes so I not, never get discouraged</p> <p>11 to the point where I'll not write it, at</p> <p>12 least I write letter.</p> <p>13 Q. I want to look at Paragraph 57.</p> <p>14 A. Yes.</p> <p>15 Q. Now, you say that the new rule of</p> <p>16 no delivery at the building reinforces</p> <p>17 stereotypes; what stereotype are you</p> <p>18 referring to?</p> <p>19 A. It was seemed to me that's my</p> <p>20 personal feeling that the reason why the</p> <p>21 Lantern Group management would dismiss my</p> <p>22 complaint is because they would say SRO</p> <p>23 population, they are drug addicts, they are</p> <p>24 alcoholics, they are former, you know,</p> <p>25 homeless, they are crazy people, they are</p>	<p style="text-align: right;">Page 86</p> <p>1 Rolande Cutner 86</p> <p>2 bunch of, quote/unquote, "asshole," they are</p> <p>3 loser in life so why should we even be</p> <p>4 concerned.</p> <p>5 You have to understand, when you</p> <p>6 live in a building like that, when people,</p> <p>7 you complain, you fill out the form, you</p> <p>8 write letter, you try to talk to somebody and</p> <p>9 you don't see the long term goals, you only</p> <p>10 see the security people, you feel you are</p> <p>11 almost in jail, in jail and that's the thing</p> <p>12 you feel that they treat you like the</p> <p>13 population of under below human being because</p> <p>14 they don't answer, they never answer, never</p> <p>15 and except for "don't worry, everything is</p> <p>16 going to be all right." They never answer.</p> <p>17 Q. How do you know that this</p> <p>18 stereotype that you described exists, how do</p> <p>19 you know that people hold this stereotype?</p> <p>20 A. Because in the street coming out of</p> <p>21 the bus or the subway you would have</p> <p>22 activists in the neighborhood. Let me</p> <p>23 explain to you, relating to why I use</p> <p>24 stereotype. Let me explain it to you.</p> <p>25 Coming out of the bus or coming out</p>
<p style="text-align: right;">Page 87</p> <p>1 Rolande Cutner 87</p> <p>2 of the subway you have activist who</p> <p>3 distribute leaflet and in this leaflet like</p> <p>4 everyday read the leaflet they say homeless</p> <p>5 people or drug addict, alcoholic are living</p> <p>6 in this neighborhood and we are sick and</p> <p>7 tired that New York City is using this street</p> <p>8 like a garbage dump, we are sick and tired of</p> <p>9 that and they give you this leaflet, you</p> <p>10 know, and you know, what I see on the</p> <p>11 leaflet, I see the address of my building, uh</p> <p>12 huh, so now I am considered like a below</p> <p>13 human being by the neighbors. So this is how</p> <p>14 I got the idea and I have the leaflet. I can</p> <p>15 show it to you because I was so upset.</p> <p>16 Q. Do you know whether or not the</p> <p>17 Lantern Group holds this stereotype?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you know whether the Lantern</p> <p>20 Group operates to service people who are</p> <p>21 homeless, mentally ill?</p> <p>22 A. I don't know.</p> <p>23 MS. HOLTZER: Off the</p> <p>24 record.</p> <p>25 (Whereupon, a discussion was</p>	<p style="text-align: right;">Page 88</p> <p>1 Rolande Cutner 88</p> <p>2 held off the record.)</p> <p>3 (Whereupon, a luncheon</p> <p>4 recess was taken.)</p> <p>5 Q. Let's look at Paragraph 55 on</p> <p>6 Page 13 on the bottom where is says Page 13.</p> <p>7 A. (Witness complies.)</p> <p>8 Q. In Paragraph 55 you referenced your</p> <p>9 future relocation.</p> <p>10 You testified earlier that only the</p> <p>11 people with rooms in the front of the</p> <p>12 building are going to be relocated. Did that</p> <p>13 plan change at some point?</p> <p>14 A. Yes, after they told us and I don't</p> <p>15 remember what, if it was -- not a meeting --</p> <p>16 it was a piece of paper like a leaflet that</p> <p>17 was distributed to the permanent tenants. I</p> <p>18 think they mention the renovation -- no,</p> <p>19 first it was front going to the back then the</p> <p>20 back was going to be relocated to Hunter</p> <p>21 Moons, so whenever they ask what is Hunter</p> <p>22 Moons that this building the Lantern Group is</p> <p>23 the owner of this building, it is located</p> <p>24 someplace in Broadway, maybe upper Westside,</p> <p>25 I did not go there and I understand because</p>

<p style="text-align: right;">Page 89</p> <p>1 Rolande Cutner 89</p> <p>2 you have to remember, the building there is</p> <p>3 permanent tenant and when they see you coming</p> <p>4 out of the elevator and they say oh, did you</p> <p>5 hear, blah, blah, blah, blah so these rumors</p> <p>6 are circulating and I understand the Lantern</p> <p>7 Group was trying to convince people to move</p> <p>8 to Hunter Moons and terribly, one old man,</p> <p>9 Black guy by the name of, name of Mr. Woods,</p> <p>10 W-O-O-D-S, so I talk to him so this is the</p> <p>11 one that I can testify about because I talk</p> <p>12 to him, so he was convinced by the Lantern</p> <p>13 Group to go -- let me describe him.</p> <p>14 He's a old man probably without any</p> <p>15 family, probably maybe disabled and he was</p> <p>16 moved from the first floor to the third floor</p> <p>17 next to my room. This is how I met him</p> <p>18 because he introduced himself and he said, "I</p> <p>19 am your neighbor, hi, hello, how are you" and</p> <p>20 then it is that I saw him on the street and</p> <p>21 then he disappeared and then I said, "What</p> <p>22 happened to you, Mr. Woods?" "Oh," he said,</p> <p>23 "the Lantern Group, they convince me to go to</p> <p>24 Hunter Moons."</p> <p>25 "What is Hunter Moons?"</p>	<p style="text-align: right;">Page 90</p> <p>1 Rolande Cutner 90</p> <p>2 "Oh, this is the building that the</p> <p>3 Lantern Group manage. I don't know if they</p> <p>4 are owner or managing or -- but they convince</p> <p>5 me to go to the Hunter Moons."</p> <p>6 Then two weeks elapse then I see</p> <p>7 him back in the room next to me. "Hi," I</p> <p>8 say. "Mr. Woods, what happened?" "Oh," he</p> <p>9 said, "I have been assaulted. It's terrible.</p> <p>10 People beat me up, they stole my money. I</p> <p>11 told the Lantern Group I don't want to stay</p> <p>12 at Hunter Rooms and I am back at 319 West</p> <p>13 94th Street."</p> <p>14 So the ceiling fell over me. I</p> <p>15 said, "the Hunter Moons building is worse</p> <p>16 than our building?" He said, "yes, as a</p> <p>17 matter of fact, yes, because over there you</p> <p>18 get assaulted and I was beaten."</p> <p>19 So this is a thing so the Lantern</p> <p>20 Group never approach me to relocate me but</p> <p>21 this story was told to me.</p> <p>22 Q. Did Mr. Woods say who had assaulted</p> <p>23 him and stolen his money?</p> <p>24 A. In the building.</p> <p>25 Q. Other tenants?</p>
<p style="text-align: right;">Page 91</p> <p>1 Rolande Cutner 91</p> <p>2 A. Yes.</p> <p>3 Q. You said that Mr. Woods might be</p> <p>4 disabled; what do you mean by that?</p> <p>5 A. Because he's limping but I did not</p> <p>6 ask, you know, I don't want to investigate</p> <p>7 his limping. And it look like he's maybe</p> <p>8 he's in pain or he's limping, that's all and</p> <p>9 about age, he's probably maybe 65 or 70.</p> <p>10 Q. Other than telling you that the</p> <p>11 Lantern Group spoke with him about moving to</p> <p>12 Hunter Moon, did he tell you anything that</p> <p>13 the Lantern Group had told him about Hunters</p> <p>14 Moon?</p> <p>15 A. No, no. He just talk about his bad</p> <p>16 experience. He did not tell me why he moved</p> <p>17 there except that he said, "they convince me,</p> <p>18 they convince me to move to Hunter Moons."</p> <p>19 Q. Did he tell you what they said or</p> <p>20 did to convince him to move?</p> <p>21 A. No, no.</p> <p>22 Q. On the next page, Paragraph 59, you</p> <p>23 said that the Lantern Group's action has been</p> <p>24 geared to break Cutner as well as other</p> <p>25 permanent tenants' morale; what action are</p>	<p style="text-align: right;">Page 92</p> <p>1 Rolande Cutner 92</p> <p>2 you referring to there?</p> <p>3 A. Lantern, to break me. I refer to</p> <p>4 my previous testimony. It's all this</p> <p>5 terrible condition that I felt was trying to</p> <p>6 break me.</p> <p>7 Q. Do you think that the Lantern Group</p> <p>8 was intentionally taking these actions</p> <p>9 specifically to break you?</p> <p>10 A. I think so.</p> <p>11 Q. Why do you think that?</p> <p>12 A. Because, to me, every time I</p> <p>13 complain and it would be "don't worry, we</p> <p>14 take care of it" and nothing happened for</p> <p>15 months and months and you write letter and</p> <p>16 nothing happen and then you fill out the form</p> <p>17 because there is this big battle about the</p> <p>18 form, nothing happened.</p> <p>19 I said to myself it got to be a</p> <p>20 will to break me. I mean, it's impossible</p> <p>21 that human being would act that way unless</p> <p>22 they want to break me because every time you</p> <p>23 complain, you have to understand, they say</p> <p>24 "don't worry, we take care of it." So you</p> <p>25 feel you go to your office, you feel that's</p>

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1 Rolande Cutner 93
2 it, your problem is resolved and then you
3 complain again and again and again and again
4 and you write letter and nothing happen and
5 you say something, nothing happen. There is
6 a will there.
7 Q. What do you think they were trying
8 to accomplish by trying to break you?
9 A. To make me leave.
10 Q. Why do you think they wanted you to
11 leave?
12 A. Because of all the permanent tenant
13 which are already broken down maybe by
14 disease, maybe because they are old, maybe
15 they take some drug, I don't say they are
16 drug addict but maybe they are disabled,
17 sure; maybe I was the only one that they
18 could not break so they were trying to break
19 me. I was convinced of that, so it was my
20 conviction, that's all.
21 Q. Other than the fact that you allege
22 that they didn't respond properly to your
23 complaints, what other actions do you believe
24 they took in order to break you?
25 A. As I said, direct the security

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1 Rolande Cutner 95
2 someone from the Lantern Group's management
3 directed the security guards not to accept
4 your deliveries?
5 A. Definitely. It's my testimony that
6 someone at the Lantern Group directed the
7 security guard not to, definitely.
8 Q. How do you know that the security
9 guards just weren't aware of the waiver?
10 A. Because I cannot explain why some
11 week it would there behind the door and the
12 week after suddenly it wasn't there. It was
13 turned away, they turned away the delivery
14 boy and believe me, I tried to.
15 There was this woman security
16 guard. I talked to her on a Saturday
17 morning.
18 MR. CUTNER: Are you
19 answering the question now?
20 THE WITNESS: Wait, wait.
21 A. I talk to her and she said --
22 Q. What did she say?
23 A. She said, "You know, we don't know.
24 We don't know what to do." Because again, I
25 confront her. I confront her.

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1 Rolande Cutner 94
2 guard to refuse my cleaners knowing how
3 important it is to me. I suppose, you know,
4 I did not say that. I say Felix telling the
5 security guard turn away, I did not say that.
6 I said I suppose, you know, I suppose it was
7 that because, you know, it doesn't make
8 sense.
9 If say I complain, they say "don't
10 worry, that's going to be taken care of" and
11 then nothing happened so you feel humiliated
12 and say they are making fun of me, they treat
13 me like cattle or they are crazy, which I
14 would not say that, they look perfectly
15 normal so there is -- how would you think
16 that you think they want to break you? It's
17 only reasonable reason because you have to
18 understand they will never shout at me or
19 say, you know --
20 MR. CUTNER: Just try to
21 stay to the question.
22 A. Whatever. Just say I had the
23 ultimate conviction they were trying to break
24 me.
25 Q. Is it your testimony that that

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1 Rolande Cutner 96
2 Q. When she said "we don't know what
3 to do," what context was she saying that in?
4 A. Because I said again, again, again
5 two days and this morning my delivery clothes
6 is not there behind the door so she said, "I
7 don't, we don't know what to do" like she was
8 waiting for the Lantern Group to get
9 direction and that I can only assume she
10 said, this woman, "we don't know what to do"
11 so I assume she was expecting the Lantern
12 Group to tell her what to do.
13 Q. Did that woman indicate that she
14 knew that she was supposed to accept
15 deliveries for disabled tenants?
16 A. No, she never said anything to
17 that. She just said she didn't know what to
18 do.
19 Q. On the next page, the top of the
20 page you say that there are some permanent
21 tenants who left the premises to look
22 elsewhere for housing; do you see where it
23 says that?
24 A. Uh-huh.
25 Q. Who were the permanent tenants that

<p style="text-align: right;">Page 97</p> <p>1 Rolande Cutner 97</p> <p>2 left to look elsewhere for housing?</p> <p>3 A. There is a man, another Black guy.</p> <p>4 I know only his first name, Lee, L-E-E, Lee;</p> <p>5 and he told me and I don't know.</p> <p>6 MR. CUTNER: The question</p> <p>7 was the names of the people.</p> <p>8 A. Lee, L-E-E; it's a Black guy. He</p> <p>9 was living at the Room 141 and he told me</p> <p>10 that question.</p> <p>11 MR. CUTNER: The question</p> <p>12 was the names of the people.</p> <p>13 A. Lee, L-E-E.</p> <p>14 MR. CUTNER: Okay, answer</p> <p>15 the question.</p> <p>16 Q. Did you have any conversations with</p> <p>17 Lee about his reasons for leaving the</p> <p>18 building?</p> <p>19 A. Yes.</p> <p>20 Q. What did he tell you?</p> <p>21 A. He said that he could not take it</p> <p>22 anymore, that he just said that he couldn't</p> <p>23 take it anymore and he was leaving and he</p> <p>24 said he was leaving to go back to Ireland and</p> <p>25 this is what he said. He couldn't take it</p>	<p style="text-align: right;">Page 98</p> <p>1 Rolande Cutner 98</p> <p>2 anymore.</p> <p>3 Q. Did he tell you what he meant by</p> <p>4 it, he couldn't take it anymore?</p> <p>5 A. No. He just said, "I can't take it</p> <p>6 anymore." This is what he said. I remember</p> <p>7 his expression, "I cannot take it anymore."</p> <p>8 Q. Do you know what he was referring</p> <p>9 to when he said he cannot take it anymore?</p> <p>10 A. Dirt, mice, bugs, bed bugs.</p> <p>11 Q. When did Lee leave the building?</p> <p>12 A. Probably November 2007, probably.</p> <p>13 Q. Were there any other permanent</p> <p>14 tenants who left the building to look</p> <p>15 elsewhere for housing?</p> <p>16 A. I already mention Mr. Woods.</p> <p>17 Q. Other than Mr. Woods and Mr. Lee,</p> <p>18 do you know of anyone else?</p> <p>19 A. No, I didn't talk. There were</p> <p>20 rumors that some people have left some time,</p> <p>21 who leave and they said those people leave</p> <p>22 but not particularly a name that I could give</p> <p>23 you, rumors. I would say rumors.</p> <p>24 Q. In Paragraph 62 you said the</p> <p>25 Lantern Group caused the management of the</p>
<p style="text-align: right;">Page 99</p> <p>1 Rolande Cutner 99</p> <p>2 building to be so disruptive that it affected</p> <p>3 the morale of Cutner as well as of other</p> <p>4 permanent tenants. How did the Lantern Group</p> <p>5 cause the management of the building to be</p> <p>6 disruptive?</p> <p>7 A. The Lantern Group did not give the</p> <p>8 permanent tenant key to the main entrance of</p> <p>9 the building. That situation gave, that</p> <p>10 situation create a lot of the very bad</p> <p>11 incident where people were stuck outside</p> <p>12 without having a key to enter the premises.</p> <p>13 Example: In the middle of the</p> <p>14 night in the Winter, you ring the bell, I'm</p> <p>15 talking now on the main entrance and you are</p> <p>16 out on the street and the wind, because you</p> <p>17 have to see the wind is coming from the</p> <p>18 Hudson River because there is this beautiful</p> <p>19 riverside park and the wind is so fierce that</p> <p>20 the wind, after the Winter when you get to</p> <p>21 the building you want to get into your</p> <p>22 building, right so you ring the bell, ring</p> <p>23 the bell, nothing happened. Why? Because</p> <p>24 the security guard went outside smoke</p> <p>25 marijuana, it was true. I don't know if he</p>	<p style="text-align: right;">Page 100</p> <p>1 Rolande Cutner 100</p> <p>2 smoke marijuana. And other security guard</p> <p>3 left, they just left and the door is closed</p> <p>4 so people were locked outside because of</p> <p>5 that.</p> <p>6 Another example, let me give you</p> <p>7 more because this lady, she talk to me</p> <p>8 personally, Florence Bella. Seven o'clock in</p> <p>9 the morning she has a little dog, she take it</p> <p>10 out to pee. She's in her pajamas in the</p> <p>11 heart of the Winter. After, she wants to get</p> <p>12 back in and it's dark, seven o'clock in the</p> <p>13 morning, she cannot enter. Why? Because the</p> <p>14 security guard is sick and tired of his</p> <p>15 night, he leave and the new security guard</p> <p>16 arrive at 8:00. So between 7:00 and 8:00 you</p> <p>17 are locked out, you have no key. She's in</p> <p>18 her underwear and her sleepwear with her</p> <p>19 little dog, the wind is almost killing her</p> <p>20 and her little dog and she's waiting there</p> <p>21 and ringing the bell and ringing the bell and</p> <p>22 finally, at eight o'clock the security guard</p> <p>23 who is starting the day at eight o'clock have</p> <p>24 a key in the building and then she get in.</p> <p>25 So I was so mad when she told me that.</p>

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1 Rolande Cutner 101
 2 I immediately wrote a letter and at
 3 that time, the management recognize that
 4 problem and at that time, they gave us key to
 5 the building only because I wrote the letter,
 6 furious letter so at that time in the heart
 7 of the Winter they issue new regulation the
 8 permanent tenant are allowed now to have the
 9 key to the building.
 10 Q. That first example that you gave me
 11 where someone was trying to get into the
 12 building and they couldn't because the guard
 13 was out smoking marijuana --
 14 A. I was told, I mean, let's say he
 15 was out. Somebody say he was smoking
 16 marijuana but I didn't see it.
 17 Q. Is this a story that someone told
 18 you happened to them?
 19 A. Yes.
 20 Q. Who told you that this happened?
 21 A. Chris Santee.
 22 Q. Was Mr. Santee himself locked out,
 23 was he talking about something he
 24 experienced?
 25 A. I think he was locked out himself.

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1 Rolande Cutner 103
 2 the Fall of 2007, let's say, to be more
 3 correct.
 4 Q. In Paragraph 67 you allege that the
 5 Lantern Group has enacted new rules and
 6 regulations regarding urgent repairs for the
 7 building; what were the urgent repairs that
 8 needed to be made?
 9 A. Bathroom clog up, the human waste
 10 in the closet, in the WC because it's coming
 11 from below. I mean, I am on the third floor
 12 so I don't know if it's coming from the below
 13 and going up and I mean, bathroom plumber, I
 14 am not a plumber but the tub, you cannot take
 15 a shower because it's full of waste water and
 16 the WC has human waste and I talk to Chris
 17 because Chris was pretty good and, you know,
 18 talking to the management so at that point it
 19 was so horrible that we could not even take a
 20 shower.
 21 Q. Did Chris also live on the third
 22 floor?
 23 A. No. He live on the ground floor.
 24 Nicolas Legrand live on the third floor.
 25 Q. Did each floor have a bathroom?

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1 Rolande Cutner 102
 2 Q. And he was unable to get into the
 3 building because the guard wasn't present?
 4 A. So you have to wait until the
 5 change of shift and have the new guard to
 6 open the building to enter.
 7 Q. Is there only one bell for the
 8 lobby or does each room have its own intercom
 9 system?
 10 A. No, no, no. There is a big door
 11 and one bell and you ring the bell and you
 12 walk inside.
 13 Q. So if someone were coming to visit
 14 you then they would have to go, they would
 15 ring the bell to the lobby, they wouldn't be
 16 able to ring up to you?
 17 A. Yes.
 18 Q. When did the Lantern Group issue
 19 the new regulation that the permanent tenants
 20 can have keys?
 21 A. Yes, yes. Probably it was in the
 22 Winter because it happened because of this
 23 lady was stuck so probably October or
 24 November 2007, I would say, but I could be
 25 wrong on the date but it's around, let's say,

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1 Rolande Cutner 104
 2 A. Yes. It's a community bathroom
 3 that you share with other people.
 4 Q. With other people on the floor?
 5 A. Yes.
 6 Q. Do you know if the other bathrooms
 7 were kept in similar condition?
 8 A. I hear rumor because going to the
 9 sixth floor, I don't go. I did not see
 10 visually but you hear rumor that it has been
 11 bad in those bathrooms but I did not check by
 12 myself.
 13 Q. Other than the bathroom, were there
 14 any other urgent repairs that you felt needed
 15 to be made in the building?
 16 A. The kitchen.
 17 Q. Did each floor have a community
 18 kitchen?
 19 A. Yes, yes.
 20 Q. What repairs did you feel needed to
 21 be done to the kitchen?
 22 A. The sink clog up. Also, I don't
 23 know because I am not a plumber but at that
 24 point, you know, when you, you cannot close
 25 the tap because the water continuously flow,

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1 Rolande Cutner 105

2 you cannot close the tap, you see, the tap

3 and then the stove burner are broken, there

4 is no gas coming out, you don't know and also

5 electrical, it's scary because you sometime

6 you want to go to the bathroom and there is

7 no electricity and because in the bathroom

8 there is no window, it's black, as black you

9 can dream of, you don't even see the WC. It

10 is black and no electricity and things like

11 that that you can see.

12 And the kitchen was pretty bad and

13 also underneath of the sink when you open if,

14 for instance, you want to leave your personal

15 things but and also there is all this waste

16 water and it is rusty and you would not put

17 your pant there, you know, and also the

18 broken door, you know, of the little closet

19 where you can put your pant, the door is

20 broken and if you open, you have a lot of the

21 "kish, kish, kish" cockroaches running around

22 and sometimes you don't want even to enter

23 but the cockroaches took over the kitchen so

24 I never eat there, you know. I never, never

25 have any food there. Never, never.

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1 Rolande Cutner 107

2 "Where is the form?"

3 "I don't know, I don't have the

4 form but you have to fill out the form."

5 "Would you please give me the

6 form."

7 "Well, you have to come back this

8 afternoon. We don't have the forms this

9 morning."

10 And in the afternoon like after

11 5:00 or 6:00, "Do you have the form?"

12 "Let me look. No, I don't have the

13 form. Come back the next day."

14 Meanwhile, you cannot use the

15 bathroom. "No, I don't have the form." I

16 get so bad, you know, so I said, "Okay, give

17 me a piece of white paper and a pen. I'm

18 going to write."

19 "I don't have a piece of paper and

20 a pen. I don't have it."

21 "Never mind, I go to the third

22 floor."

23 I go to my room, I take a piece of

24 paper, I go down and I write down, "Please,"

25 you know, "clean and unplug the bathroom." I

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1 Rolande Cutner 106

2 Q. If when you weren't able to use the

3 kitchen on your floor, would you use a

4 kitchen on the other floor?

5 A. No, no.

6 Q. What would you do in the

7 circumstances?

8 A. I go to the coffee shop on

9 Broadway.

10 Q. And what did you do on the

11 circumstances when you felt the bathroom was

12 too dirty?

13 A. I go to Broadway and I use the

14 bathroom in the coffee shop.

15 Q. What were the new rules and

16 regulations regarding repairs that you're

17 referring to in Paragraph 67?

18 A. This is a form.

19 Q. The work order form?

20 A. Yes. Bathtub is full, it's clogged

21 up so it's full of waste water so you go down

22 and say, "Please, would you unplug the

23 bathroom tub 'cause you cannot even put your

24 foot in."

25 "Did you fill out the form?"

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1 Rolande Cutner 108

2 give it to the guard. The next day nothing

3 happened.

4 So I come back, maybe Felix is

5 there, you know, the manager. "Felix, I ask

6 you to repair the bathroom."

7 "Did you fill out the form, where

8 is your form?"

9 "I give the form."

10 "Well, do you have a copy to use,

11 the form, you say you gave me the form but I

12 don't have it. You have a xeroxed copy?"

13 I get so angry, I have a

14 confrontation. I said, "I am not going to go

15 to the coffee shop on Broadway to copy the

16 form and go back and give you the form and

17 keep a copy for myself."

18 That's the type of -- wait, they

19 say you must fill out the form -- this is

20 what it says and this is a really bad so I

21 write letters and then I was so mad that

22 finally they print the whole thing in plastic

23 with the form outside the desk and that I'm

24 pretty proud of myself because now the tenant

25 could go and pick up the form and I am proud